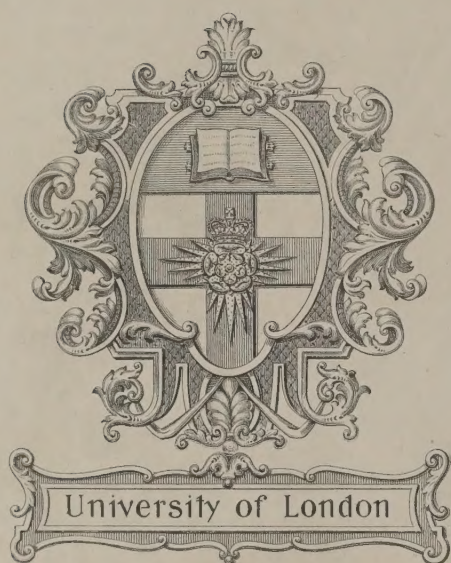












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# ACCOUNTS AND PAPERS:

THIRTY-SIX VOLUMES.

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—(10.)—

## COLONIES.

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AMERICA, NORTH (INTERCOLONIAL RAILWAY);  
AUSTRALIAN COLONIES AND NEW ZEALAND;  
CANADA; GOLD COAST (ASHANTEE WAR); MAURITIUS;  
NEW ZEALAND; NIGER RIVER;  
PRINCE EDWARD'S ISLAND; SIOUX INDIANS; TASMANIA;  
WEST INDIA INCUMBERED ESTATES ACT, 1862.

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### Session

4 February—29 July 1864.

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VOL. XLI.

1864.

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# ACCOUNTS AND PAPERS:

1864.

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NORTH AMERICA (INTERCOLONIAL RAILWAY).

---

RETURN to an Address of the Honourable The House of Commons,  
dated 30 June 1864;—for,

“ COPY of CORRESPONDENCE between any of the NORTH AMERICAN  
PROVINCES and the IMPERIAL GOVERNMENT, relating to their  
Application for Assistance in raising a LOAN for an INTERNATIONAL  
RAILWAY.”

(In continuation of Parliamentary Paper, No. 210, of 1862.)

Colonial Office, }  
25 July 1864. }

FREDERIC ROGERS.

(*Mr. Adderley.*)

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*Ordered, by The House of Commons, to be Printed,*  
*26 July 1864.*

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COPY of CORRESPONDENCE between any of the NORTH AMERICAN PROVINCES and the IMPERIAL GOVERNMENT, relating to their Application for Assistance in raising a LOAN for an INTERCOLONIAL RAILWAY.

— No. 1. —

COPY of a DESPATCH from the Duke of *Newcastle*, K.G., to  
Governor General Viscount *Monck*.

No. 1.

The Duke of New-  
castle, K.G., to  
Viscount Monck.  
12 April 1862.

My Lord,

Downing-street, 12 April 1862.

You are aware that I duly received your Despatch, No. 4,\* of the 31st October last, reporting that at a meeting in the Council Chamber at Quebec of Members of the Councils of Canada, Nova Scotia, and New Brunswick, it was resolved that those three Governments should renew the offer made to the Imperial Government on the 26th October 1858, to aid in the construction of an Inter-colonial Railway between Halifax and Quebec, and that a delegation from the Provinces should proceed to England with the view of promoting this object.

You reported to me that the Honourable Philip Vankoughnet was appointed to represent Canada, and not long afterwards this gentleman, associated with the Honourable Joseph Howe from Nova Scotia, and the Honourable Samuel Tilley from New Brunswick, arrived in England.

I had several interviews with these gentlemen, who urged with great ability the project committed to their charge, and eventually embodied their views in a Memorandum communicated to me in a letter dated the 2d December 1861.† But owing to the urgency of business connected with the threatening aspect of affairs in the United States, I was unable to bring the subject under the consideration of Her Majesty's Government before the deputies were obliged to return to their homes, and other urgent matters have hitherto prevented the adoption of a decision. The subject has now been before Her Majesty's Government, and I need scarcely assure you that they have examined it with the care due to the importance of the question, to the high authorities from whom it has emanated in the Provinces, and to the character and position of the delegates by whom it has been so powerfully presented to notice in this country.

The length of railway necessary to complete the communication between Halifax and Quebec is estimated at 350 miles, and the cost, after deducting the right of way which the Provinces will provide, is estimated at three millions sterling. Such being the data supplied by the deputation, the project is that the Imperial Government should join the three Provinces in a guarantee of four per cent. upon 3,000,000 *l.*, in which case the Provinces are ready to pass bills of supply for 60,000 *l.* a year (20,000 *l.* in each Province) if the Imperial Government will do the same. The selection of the route is left solely to the British Government.

Should the sum of three millions be found insufficient, nothing very definite is said on the essential point of the provision to be made for the completion of the railway.

I much regret to inform you that, after giving the subject their best consideration, Her Majesty's Government have not felt themselves at liberty to concur in this mode of assistance. Anxious, however, to promote as far as they can the important object of completing the great line of railway communication on British ground, between the Atlantic and the westernmost parts of Canada, and to assist the Provinces in a scheme which would so materially promote their interests, Her Majesty's Government are willing to offer to the Provincial Governments an Imperial guarantee of interest, towards enabling them to raise by public loan, if they should desire it, at a moderate rate, the requisite funds for con-

\* Printed in  
House of Com-  
mons Paper, No.  
210 of 1862,  
page 15.

† *Vide* same paper,  
page 1.

structing the railway. This was the mode of action contemplated by Earl Grey in the year 1851, and is the same method which was adopted by Parliament in the Act of 1842, in order to afford to Canada the benefit of British credit in raising the money with which she has completed her great system of internal water communications. The nature and extent of the guarantee which Her Majesty's Government could undertake to recommend to Parliament, must be determined by the particulars of any scheme which the Provincial Governments may be disposed to found on the present proposal, and on the kind of security which they would offer.

I fear that this course will not be so acceptable to the Provincial Governments as that which the delegates were authorised to propose for consideration. It is, however, the only one in which Her Majesty's Government, after anxious deliberation, feel that they would be at liberty to participate. I trust that the proposal will at all events be received as a proof of their earnest wish to find some method in which they can co-operate with the Provinces in their laudable desire to complete a perfect intercolonial communication over British territory, And it will be a source of sincere pleasure to me if, adverting to all the different bearings of the subject, and to the condition of their respective finances, the Provincial Governments should end by finding it in their power to make use of the present offer, and to propound some practicable scheme for applying it to the attainment of the desired object.

I have addressed a similar Despatch to the Lieutenant Governors of Nova Scotia and New Brunswick, and I must now leave the subject in the hands of the several Provincial Governments, who will best know, in case they prosecute the subject further, how to provide for the requisite mutual consultations.

I have, &c.  
(signed) *Newcastle.*

[Similar Despatches, with the requisite adaptations, were addressed at the same date to the Lieutenant Governors of New Brunswick and Nova Scotia.]

— I. —

ANSWERS from the THREE PROVINCES to the Duke of *Newcastle's* Despatch of 12 April 1862; page 1.

— No. 2. —

(No. 136.)

No. 2.  
Viscount Monck  
to the Duke of  
Newcastle, K.G.  
12 September 1862.

COPY of a DESPATCH from Governor General Viscount *Monck*, to His Grace the Duke of *Newcastle*, K.G.

Quebec, 12 September 1862.

(Answered, No. 176, 14 October 1862, page 4.)

My Lord Duke,

\* Page 1.

12 September 1862.

REFERRING to your Grace's Despatch, of 12th\* April, I have great satisfaction in transmitting to you the accompanying approved Minute of my Executive Council on the subject of the mode of executing the proposed railway between this Province and Nova Scotia.

I have to add that it is intended that a deputation of my Executive Council should proceed in the course of the autumn to England in order to give further facilities, by means of personal communications, for completing the arrangements proposed.

I have, &c.  
(signed) *Monck.*



Enclosure in No. 2.

COPY of a REPORT of a Committee of the Executive Council, dated 12 September 1862,  
approved by his Excellency the Governor General. Encl. in No. 2.

THE Committee of Council have given their earnest consideration to the annexed Memorandum of agreement, adopted at a meeting of the delegates from the Provinces of Nova Scotia and New Brunswick, and your Excellency's Advisers in this Province, on the subject of the construction of an Intercolonial Railway, and they humbly advise that the same be approved by your Excellency.

Certified.

W. H. Lee, Clerk Executive Council.

## MEMORANDUM.

THE undersigned, representing the three Governments of Canada, Nova Scotia, and New Brunswick, convened to consider the Despatch of his Grace the Duke of Newcastle, of the 12th April 1862, with reference to the colonial railway, having given the very important matters contained in that Despatch their attentive consideration, are agreed:

I. That whilst they have learned with very great regret that Her Majesty's Imperial Government has finally declined to sanction the proposals made on behalf of these Provinces in December 1861, and at previous periods, they at the same time acknowledge the consideration exhibited in substituting the proposal of "an Imperial guarantee of interest towards enabling them to raise, by public loan, if they should desire it, at a moderate rate, the requisite funds for constructing the railway."

II. That with an anxious desire to bind the Provinces more closely together, to strengthen their connexion with the mother country, to promote their common commercial interests, and to provide facilities essential to the public defences of these Provinces as integral parts of the Empire, the undersigned are prepared to assume, under the Imperial guarantee, the liability for the expenditure necessary to construct this great work.

III. That the three Governments are agreed that the proportions of liability for the necessary expenditure shall be apportioned as follows, viz., five-twelfths for Canada and seven-twelfths to be equally divided between the Provinces of New Brunswick and Nova Scotia.

IV. But it is understood that the liability for principal and interest shall be borne by each Province, to the extent only of the proportion hereby agreed upon.

That in arriving at this conclusion, the undersigned have been greatly influenced by the conviction, that the construction of the road between Halifax and Quebec must supply an essential link in the chain of an unbroken highway extending through British territory from the Atlantic to the Pacific, in the completion of which every Imperial interest in North America is most deeply involved. And the undersigned are agreed, that to present properly this part of the subject to the Imperial authorities, the three Provinces will unite at an early day in a joint representation on the immense political and commercial importance of the western extension of the projected work.

|          |                                                                                                                                                                                                                               |                           |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| (signed) | <i>J. S. Macdonald,</i><br><i>L. V. Sicotte,</i><br><i>J. Morris,</i><br><i>W. M<sup>c</sup> Dougall,</i><br><i>W. P. Howland,</i><br><i>U. T. Tessier,</i><br><i>F. Eventurel,</i><br><i>Thos. D'Arcy M<sup>c</sup> Gee,</i> | } Representing<br>Canada. |
|          | <i>Joseph Howe,</i><br><i>J. M<sup>c</sup> Cutly,</i><br><i>W. Annand,</i>                                                                                                                                                    |                           |
|          |                                                                                                                                                                                                                               | } Nova Scotia.            |
|          | <i>S. L. Tilley,</i><br><i>W. H. Steeves,</i><br><i>P. Mitchell,</i>                                                                                                                                                          | } New Brunswick.          |
|          |                                                                                                                                                                                                                               |                           |

Quebec, 12 September 1862.

## — No. 3. —

(No. 176.)

No. 3.  
The Duke of New-  
castle, K.G., to  
Viscount Monck.  
14 October 1862.

COPY of a DESPATCH from his Grace the Duke of *Newcastle*, K.G., to  
Governor General Viscount *Monck*.

My Lord,

Downing-street, 14 October 1862.

\* Page 2.

I HAVE had the honour to receive your Lordship's Despatch, No. 136,\* of the 12th of September, accompanied by a Minute of your Executive Council, containing a Memorandum, by which it appears that the several gentlemen from Canada, Nova Scotia, and New Brunswick, who consulted on the subject, had arrived at a conclusion in favour of assuming, with the aid of an Imperial guarantee of interest, the liability for the expenditure necessary to construct the Intercolonial Railway.

I have received this intelligence with much satisfaction.

I have, &c.  
(signed) *Newcastle*.

## — No. 4. —

(No. 61.)

No. 4.  
Lieut. Governor  
Hon. A. H. Gordon  
to the Duke of  
Newcastle.  
6 May 1862.

COPY of a DESPATCH from Lieutenant Governor the Honourable *Arthur H. Gordon* to his Grace the Duke of *Newcastle*, K.G.

Fredericton, New Brunswick, 6 May 1862.

(Answered No. 74, 20 June 1864, page 6.)

† Page 1.

My Lord Duke,

I HAVE the honour to acknowledge the receipt of your Grace's Despatch of the 12th ultimo,† containing the reply of Her Majesty's Government to the application made by the Provinces of Canada, New Brunswick, and Nova Scotia, for Imperial aid towards the construction of an Intercolonial Railway.

2. I shall lose no time in submitting this important communication to the consideration of my Council, but the members of that body are at present without exception absent, and some little time must elapse before they can be again collected here.

3. In the meanwhile, however, I may venture to assure your Grace that no step will be hastily taken on the part of this Province, and that the consideration of the offer, now made by Her Majesty's Government, will be undertaken with a strong desire to adopt the proposed arrangement.

4. At the same time it is, of course, felt, that although the proposal now made by Her Majesty's Government is similar to that made by the Provinces 10 years ago, the position of the question as regards New Brunswick is by no means the same as it then was; a considerable extent of railway having since that period been constructed, and a heavy amount of debt consequently incurred by the Province, and it is my duty frankly to confess to your Grace, that I see very great difficulty in the adoption of a course which, even at the most moderate rate of interest, must add so largely to the burdens of the Colony.

5. I shall have the honour of addressing your Grace on this subject again, and probably at greater length when I have ascertained the views of my Executive Council.

I have, &c.  
(signed) *Arthur H. Gordon*.



— No. 5. —

(No. 66.)

COPY of a DESPATCH from Lieutenant Governor the Honourable *Arthur H. Gordon*, to his Grace the Duke of *Newcastle*, K.G.

No. 5.  
Lieut. Governor  
Hon. A. H. Gordon  
to the Duke of  
Newcastle, K.G.  
26 May 1862.

Fredericton, New Brunswick, 26 May 1862.  
(Answered, No. 74, 20 June 1862. Page 6.)

My Lord Duke,

It was only on Thursday last, the 22d instant, that I was enabled to collect my Executive Council together at this place in order to communicate to them your Grace's important Despatch of the 12th ult.\* on the subject of the aid to be afforded by the Imperial Government towards the construction of an Intercolonial Railway.

\* Page 1.

2. I accompanied the communication of your Grace's Despatch by the Minute of which I have the honour to inclose a copy.

3. I was aware that much timidity existed in the minds of my Council that some unwillingness would be expressed with respect to a further prosecution of the scheme. It was, therefore, my object to confine the discussion within the narrowest possible limits, and to secure the appointment of delegates to meet those of the other Provinces at Quebec.

4. In this object I am glad to say I entirely succeeded; and, although one or two members of the Council appeared averse even to such an appointment, or at all events to that of delegates unfettered by precise instructions, a decision was finally adopted in accordance with the views which I had expressed.

5. It is my intention to repair to Quebec, at the time at which the delegation will be there. Lord Mulgrave will, I believe, take the same opportunity of meeting the Governor General and myself.

6. I cannot be insensible to the great difficulty which will be felt in the assumption of new liabilities by this Province, the estimated revenue of which for the current year amounts only to about 120,000 *l.*, and which is already burdened by a debt of above 1,000,000 *l.* sterling; but I look upon the question as one which largely affects the welfare of British North America as a whole, and which must, therefore, not be regarded from too exclusively a Provincial point of view by any one of the separate Colonies interested.

7. Should, therefore, Canada and Nova Scotia both desire the prosecution of the work on the terms now proposed, and should the people of those Provinces express their willingness cheerfully to bear the additional burdens which must be imposed, in order to attain the accomplishment of this great object, I certainly shall be indisposed to permit it to be defeated by the reluctance of my Responsible Advisers to incur the unpopularity attaching to an augmentation of the public burdens, and I should at least require ample evidence that they were expressing the deliberate sentiments of the Legislature, and people of this Province, before I acquiesced in the rejection of an offer of the Imperial Government, which had been accepted as a boon by the sister Colonies.

I have, &c.

(signed) *Arthur H. Gordon.*

Enclosure in No. 5.

#### MEMORANDUM for the EXECUTIVE COUNCIL.

THE Lieutenant Governor cannot communicate to his Council the Despatch of the Duke of Newcastle, of the 12th ult., without accompanying it by a few remarks. Encl. in No 5.

2. The proposition contained in that Despatch is one of so great importance, and concerns so deeply the future prospects, not of this Province alone, but of British North America as a whole, that the Lieutenant Governor feels persuaded that, even if it were deemed absolutely impracticable for New Brunswick to close with that proposal, it would appear to his Council to be adopting too precipitate a course of action, were the Govern-

ment of this Province to come to an absolute decision upon the question, without previous consultation with the Governments of those other Provinces, which are, to say the least, as deeply interested in the question at issue.

3. The Lieutenant Governor assumes, therefore, that his Council will agree with him in the expediency of appointing a delegation to confer with representatives of Canada and Nova Scotia on the subject; and he requests their advice as to the persons to whom, in their opinion, the interests of the Province may be most safely entrusted.

4. The importance of the decision which has ultimately to be made with respect to the proposals of the British Government cannot well be overrated. It may be considered certain that no other or more favourable offer will be now made, and that the rejection of the present proposition will be tantamount to the abandonment for an indefinite period of all hope of the completion of the great work of establishing an Intercolonial Railway.

5. At the same time the Province cannot prudently, or indeed honestly, incur liabilities which it might be unable to discharge; and the Lieutenant Governor has no hesitation in declaring his decided opinion, that unless the Province of Canada undertakes a very large proportion of the whole responsibilities of the loan required, it would be idle for New Brunswick to move in the matter. If half the burden were to be borne by Canada, the adjustment of the incidence of the remaining half between Nova Scotia and New Brunswick might perhaps be satisfactorily arranged.

6. But his Excellency considers that it would be injudicious to fetter the delegation by instructions of too precise a character as to the proposals which they may or may not be at liberty to discuss. The final adoption or rejection of any scheme proposed will not rest with them, but with the Provincial Governments; and it is well that the subject should be fully and patiently considered in all its bearings before that decision be made.

The Lieutenant Governor has reason to believe that the Canadian Government are anxious that the proposed consultation should take place at an early period; and he therefore hopes that the Council will not separate without coming to a decision as to the propriety of dispatching a delegation to Quebec, and as to the persons who in their opinion should be employed on that service.

(signed) *Arthur H. Gordon.*

22 April 1862.

— No. 6. —

No. 6.

The Duke of Newcastle, K.G., to  
Lieut. Governor  
Hon. A.H. Gordon.  
20 June 1862.

(No. 74.)

COPY of a DESPATCH from His Grace the Duke of Newcastle, K.G., to  
Lieutenant Governor Honourable *Arthur H. Gordon.*

Sir,

Downing-street, 20 June 1862.

I HAVE the honour to acknowledge the receipt of your Despatches, Nos. 61\* and 66 of the 6th and 26th of May, on the subject of the aid which the Imperial Government have offered to afford towards the construction of an Intercolonial Railway.

I have, &c.

(signed) *Newcastle.*

— No. 7. —

No. 7.

Lieut. Governor  
Hon. A. H. Gordon  
to the Duke of  
Newcastle, K. G.  
9 June 1862.

(No. 71.)

COPY of a DESPATCH from Lieutenant Governor the Honourable *Arthur H. Gordon* to his Grace the Duke of Newcastle, K.G.

My Lord Duke,

Fredericton, 9 June 1862.

OWING to the change which has taken place in the composition of the Canadian Cabinet, all discussion upon the question of the Intercolonial Railroad is at present deferred.

2. In all probability a conference between the representatives of the several local Governments interested will now take place in the early part of the month of September.

3. I do not myself regret this postponement, as I think the delay will probably lead to the adoption of juster views on the subject than at present prevail in this Province,



Province, and will allow the feelings of disappointment caused by the rejection of the proposition made from hence to subside before it becomes necessary to take any decisive action.

I have, &c.  
(signed) *Arthur H. Gordon.*

— No. 8. —

(No. 87.)

COPY of a DESPATCH from Lieutenant Governor the Honourable *Arthur H. Gordon* to his Grace the Duke of *Newcastle*, K.G.

Fredericton, 21 August 1862.

(Answered No. 95, 26 September 1862, page 9.)

My Lord Duke,

I HAVE the honour to enclose for your Grace's information a copy of a Despatch from the Governor General of Canada, suggesting that a conference should take place at Quebec on the 10th proximo, between members of the Canadian Government and those of New Brunswick and Nova Scotia, with a view of entering into an arrangement for the completion of an Intercolonial Railway upon the basis suggested by the Imperial Government.

2. I have also the honour to enclose for your Grace's information the copy of a Minute of my Executive Council in committee, recommending me to appoint three members of the Government as a delegation to attend the proposed conference, and also to authorise them to enter into arrangements with the delegates of the other Provinces, interested for the construction of an Intercolonial Railway, provided the liabilities to be incurred by New Brunswick for that purpose do not exceed 35,000 £ sterling per annum.

3. This Minute is signed by all the members of the Executive Council, with two exceptions. The Solicitor General, as your Grace will perceive, appends to the Minute a note assenting to the appointment of the delegation, but recording his opinion that the liabilities to be incurred by the Province should not exceed a capital sum of 3,000,000 £, whilst the Attorney General, in a separate Minute, of which I have also the honour to enclose a copy, records his dissent from the policy of his colleagues, and reserves to himself such liberty of action as he may deem necessary.

I have further the honour to inform your Grace, that in compliance with the advice of my Council, I have nominated as delegates the Honourable the Provincial Secretary, the Honourable W. H. Steeves, and the Honourable P. Mitchell.

These gentlemen will leave Fredericton for Quebec in about a week's time.

I have, &c.  
(signed) *Arthur H. Gordon.*

Enclosure 1, in No. 8.

Sir,

IN a Despatch which I have received from the Duke of Newcastle, dated 12th April 1862, containing the conditions under which Her Majesty's Government propose to assist the Colonies in the construction of a railway connecting Halifax with Rivière du Loup, his Grace mentions that he had sent at the same time identical Despatches to your Excellency and the Lieutenant Governor of Nova Scotia.

It is very desirable in order to return a satisfactory answer to the Despatch in question, that the Ministers of the three Provinces interested, Canada, New Brunswick, and Nova Scotia should come to a distinct understanding as to the part which each of those Provinces will undertake in reference to the execution of the proposed work.

I think this end will be best attained by a personal conference between the members of the administrations of the three Provinces.

I am aware that it is the intention of your Excellency to visit Canada in the beginning of next month, and I expect the Lieutenant Governor of Nova Scotia will be here about the same time.

It appears to me, therefore, that the time which I have mentioned offers peculiar advantages for holding the proposed consultation, and I shall feel much obliged if your Excellency will

No. 8.

Lieut.-Governor  
Hon. A. H.  
Gordon to the  
Duke of Newcastle,  
K.G.  
21 August 1862.

15 August 1862.

20 August 1862.

20 August 1862.

Encl. 1, in No. 8.

will arrange with such members of your Administration as may be deputed to assist at the conference to attend at Quebec on Wednesday, September 10th, for that purpose.

The question of intercolonial trade will probably be discussed at the same time.

I have addressed a Despatch of the same import as this communication to the Lieutenant Governor of Nova Scotia.

His Excellency the Honourable A. H. Gordon,  
&c. &c. &c. New Brunswick.

I have, &c.  
(signed) *Monck.*

Enclosure 2, in No. 8.

Encl. 2, in No. 8. To His Excellency the Honourable Arthur *H. Gordon*, C.M.G., Lieutenant Governor of the Province of New Brunswick, &c. &c. &c.

THE Committee of Council have had under consideration the communication of the Governor General of Canada, inviting a Conference of the Governments of Canada, Nova Scotia, and New Brunswick at Quebec, on the 10th of September next, to take into consideration the proposition of his Grace the Duke of Newcastle of the 12th of April last, relative to the construction of an Intercolonial Railway; and they advise your Excellency to comply with the request of Lord Monck, and to appoint three members of your Government as such delegation; and that they be authorised to make an arrangement for the building of such road, providing the liabilities to be borne by this Province shall not exceed 35,000 *l.* sterling per annum.

(signed) *S. L. Tilley.*  
*John M'Millan.*  
*W. H. Steeves.*  
*P. Mitchell.*  
*Jas. Steadman.*  
*W. E. Perley.*  
*George L. Hatheway.*

Executive Council Chambers,  
20 August 1862.

I am willing that the delegates from New Brunswick may agree to any scheme for the building of a railway from Halifax to Quebec, provided that the cost thereof do not exceed 3,000,000 *l.* sterling. I also consent to the capitalization of the interest thereon for such time as may by the delegates be deemed prudent.

(signed) *Charles Watters.*

20 August 1862.

Enclosure 3, in No. 8.

Encl. 3, in No. 8. MEMORANDUM or STATEMENT which I require may be entered in the Records of the Executive Council.

I MAKE no objection to the delegation appointed to proceed to Canada to confer with the Government of that Province, and a delegation from Nova Scotia upon the subject of the Intercolonial Railway. This, I think, under the circumstances could not well be avoided; but as a majority of the Council has determined to authorise the delegates to assume on behalf of this Province, not only the sum of 20,000 *l.* sterling, the amount heretofore offered to aid in its construction, but the further responsibility of 15,000 *l.* sterling, I desire to record my protest against such a proposition, the reasons for which I have endeavoured to impress upon my colleagues; and in the event of the delegation making an arrangement which involves the extent of the liability authorised by these instructions, and the Government decide after their return to give effect to such arrangement by legislation, I shall feel it my duty to adopt such a course as will relieve myself from the responsibility of the measure, and enable me to give opposition to a scheme which, in my judgment, is fraught with consequences highly prejudicial to the material interests and welfare of this Province.

Dated 20 August 1862.

(signed) *A. J. Smith.*



## — No. 9 —

(No. 95.)

COPY of a DESPATCH from His Grace the Duke of Newcastle, K.G., to Lieutenant-Governor the Honourable *Arthur H. Gordon*.

No. 9.  
Duke of Newcastle,  
K.G., to Lieut.-  
Governor Hon.  
A. H. Gordon.  
26 Sept. 1862.

\* Page 7.

Sir,

Downing-street, 26 September 1862.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 87,\* of the 21st of August, respecting the Conference which was proposed to be held at Quebec on the 10th of this month, relative to the construction of the Intercolonial Railway, and stating that you had nominated as Delegates from New Brunswick the Provincial Secretary, the Honourable W. H. Steeves, and the Honourable P. Mitchell.

I have, &amp;c.

(signed) *Newcastle*.

## — No. 10. —

(No. 102.)

COPY of a DESPATCH from Lieutenant-Governor the Honourable *Arthur H. Gordon* to His Grace the Duke of Newcastle, K.G.

No. 10.  
Lieut.-Governor  
Hon. A. H. Gordon,  
to the Duke of New-  
castle, K. G.  
4 October 1862.

Fredericton, 4 October 1862.

My Lord Duke,

(Answered No. 102.—3 November 1862, page 11.)

YOUR GRACE has already been informed by the Governor General of Canada of the result of the Conference at Quebec of the Delegates of Canada, New Brunswick, and Nova Scotia, on the subject of the completion of an Intercolonial Railway.

It is, however, my duty formally to transmit to your Grace a copy of the report presented to me by the Delegates from this Province, which accordingly I have now the honour to enclose.

I have, &amp;c.

(signed) *Arthur H. Gordon*.

## Enclosure in No. 10.

To His Excellency the Honourable *A. H. Gordon*, C.M.G., Lieutenant-Governor of the Province of New Brunswick, &c. &c.

Encl. in No. 10.

Fredericton, October 1862.

YOUR EXCELLENCY having appointed the undersigned delegates from the Government of this Province to attend a Conference at Quebec, to be composed of the Governments of Canada, Nova Scotia, and New Brunswick, and summoned by his Excellency the Governor General to consider the proposition contained in the Despatch of his Grace the Duke of Newcastle, of the 12th April 1862, in relation to the construction of the Intercolonial Railway, we beg to submit the accompanying memoranda as the result of the deliberations of the Conference.

(signed) *S. L. Tilley.*  
*W. H. Steeves.*  
*P. Mitchell.*

## MEMORANDUM.

THE undersigned, representing the three Governments of Canada, Nova Scotia, and New Brunswick, convened to consider the Despatch of his Grace the Duke of Newcastle, of the 12th April 1862, with reference to the Intercolonial Railway, having given the very important matters contained in that Despatch their attentive consideration, are agreed,—

1. That while they have learned with very great regret that Her Majesty's Imperial Government has finally declined to sanction the proposals made on behalf of these Provinces in December 1861, and at previous periods, they, at the same time, acknowledge the consideration exhibited in substituting the proposal of "an Imperial guarantee of interest towards enabling them to raise by public loan, if they should desire it, at a moderate rate, the requisite funds for constructing the railway."

2. That, with an anxious desire to bind the Provinces more closely together, to strengthen their connexion with the mother-country, to promote their common commercial interests, and to provide facilities essential to the public defences of these Provinces as integral parts of the Empire, the undersigned are prepared to assume, under the Imperial guarantee, the liability for the expenditure necessary to construct this great work.

3. That the three Governments are agreed that the proportions of liability for the necessary expenditure shall be apportioned as follows, viz.: five-twelfths for Canada, and seven-twelfths to be equally divided between the Provinces of New Brunswick and Nova Scotia.

4. But it is understood that the liability for principal and interest shall be borne by each Province to the extent only of the proportion hereby agreed upon.

5. That in arriving at this conclusion, the undersigned have been greatly influenced by the conviction that the construction of the road between Halifax and Quebec must supply an essential link in the chain of an unbroken highway extending through British territory from the Atlantic to the Pacific, in the completion of which every Imperial interest in North America is most deeply involved; and the undersigned are agreed that, to present properly this part of the subject to the Imperial authorities, the three Provinces will unite at an early day in a joint representation on the immense political and commercial importance of the western extension of the projected work.

|          |                                                                                                                                                                                      |                           |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| (signed) | J. S. Macdonald,<br>L. V. Sicotte,<br>J. Morris,<br>W. P. Howland,<br>W. M <sup>c</sup> Dougall,<br>U. T. Tessier,<br>T. D'Arcy M <sup>c</sup> Gee,<br>F. Eventurel,<br>Adam Wilson, | } Representing<br>Canada. |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|

Quebec, 12 September 1862.

|  |                                                             |                |
|--|-------------------------------------------------------------|----------------|
|  | Joseph Howe,<br>William Annand,<br>J. M <sup>c</sup> Cully, | } Nova Scotia. |
|--|-------------------------------------------------------------|----------------|

Quebec, 13 September 1862.

|  |                                                 |                     |
|--|-------------------------------------------------|---------------------|
|  | S. L. Tilley,<br>W. H. Steeves,<br>P. Mitchell, | } New<br>Brunswick. |
|--|-------------------------------------------------|---------------------|

MEMORANDUM agreed at the Conference of the Delegates of Nova Scotia and New Brunswick and the Government of Canada.

1. If it should be concluded that the work shall be constructed and managed by a joint commission of the three Provinces, it shall be constituted in the proportion of two appointed by the Government of Canada, and one each by the Governments of Nova Scotia and New Brunswick—the four to select a fifth before entering upon the discharge of their duties.

2. That a joint delegation proceed, with as little loss of time as possible, to England, to arrange with the Imperial Government the terms of the loans, the nature of the securities required, the amounts to be paid for the transport of troops and mails, and, if possible, to obtain a modification of the terms proposed to the extent of the interest accruing during the construction of the work.

3. That no surveys be authorised until the laws contemplated shall have been passed, and the joint commissioners appointed.

4. That any profit or loss, after paying working expenses, shall be divided in proportion to the contributions of the several provinces.

5. That such portions of the railways now owned by the Governments of Nova Scotia and New Brunswick, which may be required to form part of the Intercolonial Road, shall be worked under such joint authority as may be appointed by the three Provinces. That the rates collected shall be uniform over each respective portion of the road. That all net gain or loss resulting from the working and keeping in repair of any portion of the road constructed by Nova Scotia or New Brunswick, and to be used as a part of the Intercolonial Railway, shall be received and borne by the said Provinces respectively; and the surplus (if any) after the payment of interest, shall go in abatement of interest on the Crown-lands required for the line or for stations, shall be provided by each Province.

|          |                                                                                        |
|----------|----------------------------------------------------------------------------------------|
| (signed) | Thos. D. M <sup>c</sup> Gee,<br>President of Council.<br>Joseph Howe.<br>S. L. Tilley. |
|----------|----------------------------------------------------------------------------------------|



— No. 11. —

(No. 102.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to  
Lieutenant-Governor the Honourable *Arthur H. Gordon*.

No. 11.

Duke of Newcastle,  
K.G., to Lieut.  
Governor Hon.  
A. H. Gordon.

3 November 1862.

\* Page 9.

Sir,

Downing-street, 3 November 1862.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 102,\* of the 4th October, forwarding memoranda agreed to by the Delegates of Canada, New Brunswick, and Nova Scotia, at the late Conference held at Quebec, on the subject of the Intercolonial Railway.

I have, &amp;c.

(signed) *Newcastle*.

— No. 12. —

(No. 105.)

COPY of a DESPATCH from Lieutenant-Governor the Honourable *Arthur H. Gordon* to His Grace the Duke of *Newcastle*, K.G.

No. 12.

Lieut. General  
Hon. A. H. Gor-  
don to Duke of  
Newcastle, K.G.  
13 October 1862.

My Lord Duke,

Fredericton, 13 October 1862.

I HAVE the honour to inform your Grace that I have directed the Provincial Secretary, the Honourable S. L. Tilley, to proceed to England immediately, to confer with the Imperial Government on the subject of the proposed Intercolonial Railway, and that I have accordingly granted him leave of absence from the Province for two months.

I have, &amp;c.

(signed) *Arthur H. Gordon*.

— No. 13. —

(No. 92.)

COPY of a DESPATCH from the Officer Administering the Government,  
to His Grace the Duke of *Newcastle*, K.G.

No. 13.

Major-General  
H. Doyle to Duke  
of Newcastle, K.G.  
16 October 1862.

Government House, Halifax, Nova Scotia,  
16 October 1862.

My Lord Duke,

(Answered, No. 212, 3 November 1862, page 13.)

YOUR GRACE has already, I am informed, been made aware, by his Excellency the Governor General of Canada, of the result of the deliberations which took place at Quebec last month, when the Lieutenant Governors of Nova Scotia and New Brunswick, with certain delegates selected from the leading men of these Provinces, assembled there for the purpose of discussing the subject of the proposed Intercolonial Railroad.

I conceive it, nevertheless, to be my duty to transmit to your Grace a copy of the Resolutions adopted on that occasion, and to inform you, that as it has been determined by the sister Provinces to send certain members of their Government to England, for the purpose of arranging with Her Majesty's Ministers the nature of the securities to be given to the Imperial Government, with a view to uniformity of legislation in all the Provinces, I have commissioned the Honourable Joseph Howe to proceed to England, and to put himself in communication with your Grace for that purpose.

So much has already been written and said upon the subject of the very great importance of this line of railroad, and being fully aware of the favourable opinion entertained by your Grace with reference to it, I feel I should only intrude upon your time if I were to enter generally upon the whole question; but I trust I may be excused in bringing to your notice the very essential benefit in a military point of view which would be derived from its construction.

I would take leave to bring to your Grace's recollection the very great difficulty and enormous expense which was incurred in December last, when I was called upon to pass a force, consisting of upwards of 10,000 men, through the Province of New Brunswick, along the frontier of the State of Maine, into Canada; which owing to a combination of favourable circumstances was successfully performed, but which in a time of war could scarcely be accomplished at all, and certainly not without great loss of life.

Although, in the event of any rupture between Great Britain and the United States, the Metis Road is being prepared for the purpose of enabling troops to proceed to Canada during the winter, out of the reach of any hostile force, it must be borne in mind that the risk of passing large bodies of men over it during an inclement season would, as in the former case, be considerable, the delay unavoidably great, and the expense enormous; whereas, if railway communication were once established, both troops and munitions of war could at all times be rapidly and safely transported to Canada, and mutual military operations would thereby be vastly facilitated.

Under all these circumstances, the great advantage which would be derived from the establishment of a railway such as is in contemplation (provided the site be judiciously selected) cannot, in my opinion, be over-estimated.

I have, &c.

(signed) *Hastings Doyle*, Major-General,  
Administering the Government.

### Enclosure in No. 13.

#### MEMORANDUM.

Encl. in No 13.

THE undersigned, representing the three Governments of Canada, Nova Scotia, and New Brunswick, convened to consider the Despatch of his Grace the Duke of Newcastle, of the 12th April 1862, with reference to the Intercolonial Railway, having given the very important matters contained in that Despatch their attentive consideration, are agreed,—

I. That whilst they have learned with very great regret that Her Majesty's Imperial Government has finally declined to sanction the proposals made on behalf of these Provinces in December 1861, and at previous periods, they at the same time acknowledge the consideration exhibited in substituting the proposal of "an Imperial guarantee of interest towards enabling them to raise by public loan, if they should desire it at a moderate rate, the requisite funds for constructing the railway."

II. That with an anxious desire to bind the Provinces more closely together, to strengthen their connexion with the mother-country, to promote their common commercial interests, and to provide facilities essential to the public defences of these Provinces as integral parts of the Empire, the undersigned are prepared to assume, under the Imperial guarantee, the liability for the expenditure necessary to construct this great work.

III. That the three Governments are agreed that the proportion of liability for the necessary expenditure shall be apportioned as follows: viz., 5-12ths for Canada, and 7-12ths to be equally divided between the Provinces of New Brunswick and Nova Scotia.

IV. But it is understood that the liability for principal and interest shall be borne by each Province to the extent only of the proportion hereby agreed upon.

V. That in arriving at this conclusion, the undersigned have been greatly influenced by the conviction that the construction of the road between Halifax and Quebec must supply an essential link in the chain of an unbroken highway extending through British territory from the Atlantic to the Pacific, in the completion of which every Imperial interest in North America is most deeply involved; and the undersigned are agreed that to present properly this part of the subject to the Imperial authorities, the three Provinces will unite, at an early day, in a joint representation on the immense political and commercial importance of the western extension of the projected work.

(signed)

*J. S. Macdonald,  
L. V. Sicotte,  
J. Morris,  
W. P. Howland,  
Wm. M<sup>c</sup>Dougall,  
U. T. Tessier,  
Thos. D'Arcy M<sup>c</sup>Gee,  
F. Eventurel,  
Adam Wilson,*

Representing.  
Canada.

*Joseph Howe,  
J. M<sup>c</sup>Cully,  
William Annand,*

Representing  
Nova Scotia.

*S. L. Tilley,  
W. H. Steeves,  
P. Mitchell,*

Representing  
New Brunswick.

Quebec, 12 September 1862.



MEMORANDUM agreed at the Conference of the Delegates of *Nova Scotia* and *New Brunswick* and the Government of *Canada*.

I. If it should be concluded that the work shall be constructed and managed by a joint commission of the three Provinces, it shall be constituted in the proportion of two appointed by the Government of *Canada* and one each by the Governments of *Nova Scotia* and *New Brunswick*—the four to select a fifth before entering upon the discharge of their duties.

II. That a joint delegation proceed with as little loss of time as possible to *England*, to arrange with the Imperial Government the terms of the loans, the nature of the securities required, the amounts to be paid for the transport of troops and mails, and, if possible, to obtain a modification of the terms proposed, to the extent of the interest accruing during the construction of the work.

III. That no surveys be authorised until the laws contemplated shall have been passed, and the joint commissioners appointed.

IV. That any profit or loss, after paying working expenses, shall be divided in proportion to the contributions of the several Provinces.

V. That such portions of the railways now owned by the Governments of *Nova Scotia* and *New Brunswick*, which may be required to form part of the Intercolonial Road, shall be worked under such joint authority as may be appointed by the three Provinces. That the rates collected shall be uniform over each respective portion of the road. That all net gain or loss resulting from the working and keeping in repair of any portion of the road constructed by *Nova Scotia* or *New Brunswick*, and to be used as a part of the Intercolonial Railway, shall be received and borne by the said Provinces respectively; and the surplus (if any), after the payment of interest, shall go in abatement of interest on the whole line between *Halifax* and *Rivière du Loup*.

VI. That Crown-lands required for the line or for stations shall be provided by each Province.

(signed) *Thomas D'Arcy M'Gee* (for *Canada*).  
*Joseph Howe*,  
*S. L. Tilley*.

#### MEMORANDUM.

THE Delegates from *Nova Scotia* and *New Brunswick* and the Government of *Canada*, having under consideration the Report of the Honourable the Finance Minister of *Canada*, of the 8th September instant, on the subject of intercolonial reciprocity, agree—

I. That the free interchange of goods, the growth, produce, and manufacture of the Provinces, and uniformity of tariff, are considered to be an indispensable consequence of the construction of the Intercolonial Railway.

II. But that in consequence of the recent diminution of the revenues of the respective Provinces, arising out of the war in the neighbouring Republic, and the increased liabilities incurred by the additional obligations necessary to the construction of the proposed road, the Delegates from *New Brunswick* and *Nova Scotia* regret that they are not at this moment in a position to adopt measures to carry this important principle into practical effect.

(signed) *J. S. Macdonald* (for *Canada*).  
*Joseph Howe*.  
*S. L. Tilley*.

— No. 14. —

(No. 212.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to the Officer Administering the Government of *Nova Scotia*.

Sir, Downing-street, 3 November 1862.

I HAVE the honour to acknowledge the receipt of your Despatch,\* No. 92, of the 16th October, forwarding memoranda agreed to by the Delegates of *Canada*, *Nova Scotia*, and *New Brunswick*, at the late Conference held at *Quebec* on the subject of the Intercolonial Railway.

I have, &c.  
(signed) *Newcastle*.

No. 14.  
Duke of *Newcastle*,  
K.G., to the Governor  
of *Nova Scotia*.  
3 Nov. 1862.

\* Page 11.

## II.

*The following Memorandum was prepared at the Treasury, explanatory of the terms on which Her Majesty's Government could concur, subject to the sanction of Parliament, in the proposed plan of assistance to the construction of the Inter-colonial Railway. It was communicated, on the 13th December 1862, to the Delegates of Nova Scotia and New Brunswick, the Canadian Delegates being at that time absent at Paris.*

## — No. 1. —

## TREASURY MEMORANDUM.

## No. 1.

Treasury Memo-  
randum.

It is proposed,—

1. That Bills shall be immediately submitted to the Legislatures of Canada, Nova Scotia, and New Brunswick, authorising the respective Governments to borrow 3,000,000 *l.*, under the guarantee of the British Government, in the following proportions:—5-twelfths, Canada; 3½-twelfths, Nova Scotia; 3¼-twelfths, New Brunswick.

2. But no such loan to be contracted on behalf of any one Colony until corresponding powers have been given to the Governments of the other two Colonies concerned, nor unless the Imperial Government shall guarantee payment of interest on such loan until repaid.

3. The money to be applied to the completion of a Railway connecting Halifax with Quebec, on a line to be approved by the Imperial Government.

4. The interest to be a first-charge on the Consolidated Revenue Funds of the different Provinces, after the Civil List and the interest of existing debts, and as regards Canada after the rest of the six charges enumerated in the 5 & 6 Vict. c. 118 and 3 & 4 Vict. c. 35 (Act of Union).

5. The Debentures to be in series as follows, viz.:—

|              |               |          |                         |
|--------------|---------------|----------|-------------------------|
| £. 250,000   | to be payable | 10 years | after contracting loan. |
| £. 500,000   | "             | 20 years | " "                     |
| £. 1,000,000 | "             | 30 years | " "                     |
| £. 1,250,000 | "             | 40 years | " "                     |

In the event of these debentures, or any of them, not being redeemed by the Colonies at the period when they fall due, the amount unpaid shall become a charge on their respective revenues, next after the loan, until paid. The principal to be repaid as follows:

First decade (say 1863 to 1872 inclusive), 250,000 *l.* in redemption of the first series, at or before the close of the first decade from the contracting of the loan.

Second decade (say 1873 to 1882 inclusive), a sinking fund of 40,000 *l.* to be remitted annually, being an amount adequate, if invested at five per cent. compound interest, to provide 500,000 *l.* at the end of the decade; the sum to be remitted annually to be invested, in the names of trustees, in Colonial securities of any of the three Provinces prior to or forming part of the loan now to be raised, or in such other Colonial securities as Her Majesty's Government shall direct and the then Colonial Governments approve.

Third decade (say 1883 to 1892 inclusive), a sinking fund of 80,000 *l.* to be remitted annually, being an amount adequate, if invested at five per cent. compound interest, to provide 1,000,000 *l.* at the end of the decade; the amount when remitted to be invested as in the case of the sinking fund for the preceding decade.

Fourth decade (say 1893 to 1902 inclusive), a sinking fund of 100,000 *l.* to be remitted annually, being an amount adequate, if invested at five per cent. compound interest, to provide 1,250,000 *l.*, being the balance of the loan at the  
end



end of the decade. This amount, when remitted, to be invested as in the preceding decade.

Should the sinking fund of any decade produce a surplus, it will go to the credit of the next decade; and in the last decade the sinking fund will be remitted or reduced accordingly.

It is of course understood that the assent of the Treasury to these arrangements presupposes adequate proof of the sufficiency of the Colonial revenues to meet the charges intended to be imposed upon them.

6. The construction of the Railway to be conducted by five Commissioners, two to be appointed by Canada, one by Nova Scotia, and one by New Brunswick; these four to choose the remaining Commissioner.

7. The preliminary surveys to be effected, at the expense of the Colonies, by three engineers and other officers nominated, two by the Commissioners, and one by the Home Government.

8. Fitting provision to be made for carriage of troops, &c.

9. Parliament not to be asked for this guarantee until the line and surveys shall have been submitted to and approved of by Her Majesty's Government, and until it shall have been shown, to the satisfaction of Her Majesty's Government, that the line can be constructed without further application for an Imperial guarantee.

#### CANADA, NEW BRUNSWICK, AND NOVA SCOTIA INTERCOLONIAL RAILWAY LOAN.

|                                                                | 1st Decade.           | 2d Decade.           | 3d Decade.           | 4th Decade.          |
|----------------------------------------------------------------|-----------------------|----------------------|----------------------|----------------------|
| CANADA:                                                        | £.                    | £.                   | £.                   | £.                   |
| To pay annually for interest - - - -                           | 50,000                | 45,833 $\frac{1}{3}$ | 37,500               | 20,833 $\frac{1}{3}$ |
| At the end of the first 10 years a principal sum of - - - -    | 104,583 $\frac{1}{3}$ | —                    | —                    | —                    |
| And after the first 10 years a sinking fund, per annum - - - - | —                     | 16,666 $\frac{2}{3}$ | 33,333 $\frac{1}{3}$ | 41,666 $\frac{2}{3}$ |
| Per annum - - - £.                                             | 50,000                | 62,500               | 70,833 $\frac{1}{3}$ | 62,500               |
| And at the end of first 10 years a principal sum of - - - -    | 104,583 $\frac{1}{3}$ | —                    | —                    | —                    |
| NEW BRUNSWICK:                                                 |                       |                      |                      |                      |
| To pay annually for interest - - - -                           | 35,000                | 32,083 $\frac{1}{3}$ | 26,250               | 14,583 $\frac{1}{3}$ |
| At the end of the first 10 years a principal sum of - - - -    | 72,708 $\frac{1}{3}$  | —                    | —                    | —                    |
| After the first 10 years a sinking fund, per annum - - - -     | —                     | 11,666 $\frac{2}{3}$ | 23,333 $\frac{1}{3}$ | 29,166 $\frac{2}{3}$ |
| Per annum - - - £.                                             | 35,000                | 43,750               | 49,583 $\frac{1}{3}$ | 43,750               |
| And at the end of first 10 years a principal sum of - - - -    | 72,708 $\frac{1}{3}$  | —                    | —                    | —                    |
| NOVA SCOTIA:                                                   |                       |                      |                      |                      |
| To pay annually for interest - - - -                           | 35,000                | 32,083 $\frac{1}{3}$ | 26,250               | 14,583 $\frac{1}{3}$ |
| At the end of the first 10 years a principal sum of - - - -    | 72,708 $\frac{1}{3}$  | —                    | —                    | —                    |
| After the first 10 years a sinking fund, per annum - - - -     | —                     | 11,666 $\frac{2}{3}$ | 23,333 $\frac{1}{3}$ | 29,166 $\frac{2}{3}$ |
| Per annum - - - £.                                             | 35,000                | 43,750               | 49,583 $\frac{1}{3}$ | 43,750               |
| And at the end of first 10 years a principal sum of - - - -    | 72,708 $\frac{1}{3}$  | —                    | —                    | —                    |

— No. 2. —

No. 2.  
S. L. Tilley, Esq.,  
to Sir F. Rogers,  
Bart.  
13 December 1862.

S. L. Tilley, Esq., to Sir Frederic Rogers, Bart.

Dear Sir,

London, 13 December 1862.

As I must return home by this night's mail, Mr. Howe and I have anxiously conferred upon the draft of the Treasury Minute read to us this morning. It accurately describes the terms proposed to the Delegates in the various interviews with which we have been honoured by his Grace the Colonial Secretary and the Right Honourable the Chancellor of the Exchequer.

As I understand the matter, the Delegates have obtained the assent of Her Majesty's Government to every proposition they submitted, and there is no difference of opinion except on the single point of the sinking fund.

As the Intercolonial Railway is a work in which the Imperial and Colonial Governments are assumed to have a joint interest—as in the Provinces we regard it as indispensable to national defence and to the transportation to this country in winter of breadstuffs, in case war with the United States should ever arise, I hope that Mr. Gladstone may be induced to reconsider the matter of the sinking fund, and trust that the Cabinet may be enabled to convince Parliament that, under all the circumstances of this peculiar case, a sinking fund should not be insisted upon. But if it is, Mr. Gladstone having consented that this sinking fund may be invested in our own or other Colonial securities, I will not assume the responsibility of perilling or delaying this great enterprise by rejecting what the Chancellor of the Exchequer and the Cabinet may regard as an indispensable condition.

I have, &c.  
(signed) S. L. Tilley.

— No. 3. —

No. 3.  
Messrs. Sicotte &  
Howland to His  
Grace the Duke of  
Newcastle, K. G.

Messrs. Sicotte & Howland to His Grace the Duke of Newcastle, K. G.

THE undersigned, representing the Government of Canada, as Delegates specially deputed to arrange with the Imperial Government the terms of the loan to be effected upon the Imperial guarantee offered, as well as the nature of the security, concerning the construction of the International Railway between Halifax and Quebec, have the honour to submit to your Grace the following Memorial.

On the part of the Government of Canada, they must again assert—what has been admitted at every period of the negotiations both by British statesmen and by Colonial Governments—that the construction of a Railway connecting the British North American Colonies ought to be regarded as a matter of Imperial concern, and, to use the words of the late Colonial Minister, as a great national road.

A brief review of the opinions expressed by public men, and of the views entertained by the different Governments of Great Britain and of the Colonies since 1839, is perhaps necessary now, to explain fully the conditions proposed on the part of the Imperial Government as well as on the part of the Colonial Governments.

In 1839, Lord Durham, in an answer to the Secretary of State for the Colonies, instructing him to turn his attention to the formation of a road between Halifax and Quebec, in connexion with the determination of the Imperial Government to establish steam communication between the former port and Great Britain, strongly recommended the construction of a railway between the two cities.

During Sir Robert Peel's Administration, in 1843, they caused a survey of a military road, but, when nearly completed, it was abandoned by the Imperial Government in favour of railroad.

In 1846 Mr. Gladstone, then Colonial Secretary, organized a survey for the Railroad at the joint expense of Canada, New Brunswick, and Nova Scotia, and the Imperial Government.

Major Robinson, in his report, expresses himself as follows, as to the nature and



and object of such a Railroad : " In a political and military point of view, the proposed Railroad must be regarded as becoming a work of necessity.

" The increasing population and wealth of the United States, and the diffusion of Railroads over their territory, especially in the direction of the Canadian frontier, renders it absolutely necessary to counterbalance, by corresponding means, their otherwise preponderating power.

" It is most essential that the Mother Country should be able to keep up the communication with the Canadas at all times and all seasons. However powerful England may be at sea, no navy could save Canada from a land force.

" Weakness invites aggression, and as the Railroad would be a lever of power by which Great Britain could bring her strength to bear in the contest, it is not improbable that its construction would be the means of preventing a war at some more distant period."

The expense of one year's war would pay the expense for a Railway two or three times over.

In 1848, Earl Grey, in transmitting the report of Major Robinson to Lord Elgin, stated in his Despatch :—

" I have perused this able document with the interest and attention it so well merits, and I have to convey to you the assurance of Her Majesty's Government that we fully appreciate the importance of the proposed undertaking, and entertain no doubt of the great advantages which would result, not only to the Provinces interested in the work, but to the empire at large, from the construction of such a Railway ; but, great as these advantages would be, it is impossible not to be sensible that the obstacles to be overcome in providing for so large an expenditure as would be thus incurred would be of a very formidable kind.

" Before, therefore, Her Majesty's Government proceed to consider the question as to whether any steps should be taken to carry this plan into effect, it is necessary that we should be informed how the several Provinces would be prepared to co-operate in its execution."

Lord Elgin declared in his answer to that Despatch :

" It is obvious, that as soon as Railway communication is extended throughout the Provinces, a smaller military force than is now requisite will suffice for their protection.

" But, looking to the anxiety which your Lordship has repeatedly expressed, that a diminution in the expenditure incurred by Great Britain on this account should be effected at the earliest period, I am prepared to go a step further in this direction, so confident am I that the mere undertaking of the work in question will tend to raise the Colonists from the despondency into which recent changes in the commercial policy of the empire has plunged them ; to unite the Provinces to one another and to the Mother Country, to inspire them with that consciousness of their own strength, and of the value of the connection with Great Britain, which is their best security against aggression, that I would not hesitate to recommend that an immediate and considerable reduction should take place in the force stationed in Canada, in the event of the execution of the Quebec and Halifax Railway being determined on."

In 1851, Lord Stanley, in the House of Lords, reviewing the scheme propounded by Earl Grey, stated in a speech, which was accepted by the Colonies as the expression of the opinions and feelings of the people of England : " We hold, therefore, that the establishment for a line of communication between Halifax and Quebec, for a distance of about 700 miles through an exclusively British territory, rendering two points and two points essential for the power of this country, which are now separated by a vast extent of wilderness on the one side, and by a difficult, and for a great portion of the year, frozen coast on the other, rendering their communication from being what they now are, most uncertain, most difficult, and most dilatory, rendering it rapid, easy, and constant ; that, he said, was an object in itself of primary importance to the interests and to the Imperial power of this country on the Continent of America.

" But it was also a matter of incalculable importance that we should open to the teeming thousands and millions we were pouring out from this country, where they were unable to obtain a livelihood, that we should open to them in a healthy climate, and within a very limited distance from our own shores, which

did not exceed a 12 days' passage by steam, and the rapidity of that passage was every day increasing; it was of the highest importance, whether we looked at it as affording a relief for our pauperism, or an increase of our power in those regions, that we had 11 or 12 millions of acres of unoccupied lands, fertile and possessed of great mineral wealth, and which at the same time would be the means of extending our military power and securing the permanence of our empire in America. This was no ordinary case of a Railway project where the question very properly might be, would the line pay or not? But it is a Railway which, even in a pecuniary sense, he had sanguine expectations would pay if they took into consideration not merely the traffic on the Railway, but the adjuncts they would raise by the formation of it. But he said if it would not pay 1*s.* for the 100*l.* in a pecuniary point of view for the next 10 years to come, the interposition of this country, not for the purpose of involving itself in an enormous and needless expense, but for the purpose of aiding with its credit, if not by more than its credit, those who were anxious to the utmost of their power, and even beyond their power, not for a local but for an Imperial object, this was a subject well worthy of the consideration of the Imperial Parliament, and was not to be looked upon as a matter of pounds, shillings, and pence.

"Now he felt that to grant our aid was a wise, a sound, and even an economical course in the end, even though in the first instance it would involve an outlay; and sure he was that it would confer immense benefits on the Colony, and bestow incalculable advantages on this country itself, and confirm its territorial power in North America.

"And if the noble Earl would only say which course he should be prepared to take, and if the Government would give any sanction and assistance for the execution of what these Colonies could not accomplish unassisted, although he believed a comparatively small aid on the part of the Government, or its liberal guarantee for the capital required, on account of which guarantee they would never be called upon to pay a single shilling; such an amount of assistance from the Government, he firmly believed, would enable the great work to be carried to a successful completion, and equally certain he was that unless our Government and our Parliament did interfere, these advantages would be indefinitely postponed, the communication between two most important points would be permanently cut off, the stream of emigration would continue to be directed, as it was now directed, from this country and Ireland, not to our own Colonies but to the territories of the United States; the communication between Halifax and Quebec would ultimately be through the United States, be wholly dependent upon them, and liable at any moment to be cut off in the case of hostilities, while the United States would be able to reap all the advantages of the transit in times of peace.

"Now we had the option whether we should give to the United States these great advantages, and at the same time deprive the subjects of this country of the opportunity of receiving a useful and most valuable population settling in our Colonies, and by their emigration relieving the overburdened Mother Country of its surplus labour, or whether we would by a prompt and liberal course of action, which would ultimately cost us nothing, enable our dependencies to complete that which would cement a stronger union between our North American possessions, and to teach them to feel that they were regarded by the Imperial Government and Parliament as an integral portion of the Empire." On the other hand, we beg to recal to your Grace's recollection the fact that—

The Legislature of the Colonies and their Governments have always represented the road as a necessary means for the defence of the country, and as a work of national concern.

"On the 6th January 1849, the Legislative Council of New Brunswick passed a series of resolutions from which the following extracts are made:—

"Viewing the relative positions of the North American Colonies, and the great importance, in a national point of view, of improving the facilities for mutual intercourse, we consider it a matter of the greatest moment for the permanency of British interests in this Continent that a Railway should be laid down to connect the Lower Provinces with the interior of Canada.

"We believe that no measure can be devised which will so certainly consolidate the Colonies and perpetuate our connection with Great Britain; while without it we fear that our position as Colonies will be of short duration.

"We think the plain broad question on this subject is, 'Do the people of England



England wish to retain the North American Colonies or not?' If they do, the Trunk Railway is indispensable, and should be completed at any cost.

"On the 1st May 1858, the Legislature of Nova Scotia addressed Her Majesty as follows:—

"This great enterprise of National, no less than Colonial importance, has been through many years pressed upon the consideration of Your Majesty's Government.

"The benefits of the measure, both in its National and Colonial relations, are acknowledged.

"The gigantic work has been facilitated by the efforts and expenditure of the Provinces, but its accomplishment is beyond their unaided resources, and on the efficient assistance of Your Majesty's Government depends the great result."

In 1858, the Legislature of Canada passed the following Resolutions:—

1. "That the construction of an Intercolonial Railway, connecting the Provinces of New Brunswick and Nova Scotia with Canada, has long been regarded as a matter of national concern, and ought earnestly to be pressed on the consideration of the Imperial Government.

2. "That, during several months of the year, intercourse between the United Kingdom and Canada can only be carried on through the territory of the United States of America, and that such dependence on, and exclusive relations with a foreign country cannot even in time of peace, but exercise an important and unwholesome influence on the State of Canada as a portion of the Empire, and may tend to establish elsewhere that identity of interest which ought to exist between the Mother Country and her Colonies.

3. "That while the House implicitly relies on the repeated assurance of the Imperial Government that the strength of the Empire would be put forth to secure this province against external aggression, it is convinced that such strength cannot be sufficiently exerted during a large portion of the year from the absence of sufficient means of communication, and that should the amicable relations which at present so happily exist between Great Britain and the United States be ever disturbed, the difficulty of access to the ocean during the winter months, might seriously endanger the safety of the province.

4. "That in view of the speedy opening up of the territories now occupied by the Hudson Bay Company, and of the development and settlement of the vast regions between Canada and the Pacific Ocean, it is essential to the interests of the Empire at large that a highway extending from the Atlantic Ocean, westward, should exist, which should at once place the whole British possessions in America within the ready access and easy protection of Great Britain, whilst by the facilities for internal communication thus afforded, the prosperity of those great dependencies would be promoted, their strength consolidated and added to the strength of the Empire, and their permanent union with the Mother-Country secured."

In 1861 the Colonies pressed again upon the Imperial Government the advantages and necessity of constructing the Railway.

Their delegates strongly urged that—

"Without that road the provinces are dislocated and almost incapable of defence for a great portion of the year, except at such a sacrifice of life and property, and at such an enormous cost to the Mother Country, as makes the small contribution sink into insignificance. With that Railroad we can concentrate our forces on the menaced parts of our frontier, guard the citadels and works which have been erected by Great Britain at vast expense, cover our cities from surprise, and hold our own till reinforcements can be sent across the sea; while, without the Railway, if an attack were made in winter, the Mother Country could put no army worthy of the national honour, and adequate to the existence of the Canadian frontier, without a positive waste of treasure far greater than the principal of the sum the interest of which she is asked to contribute, or rather to risk.

"The British Government have built expensive citadels at Halifax, Quebec, and Kingston, and have stores of munitions and warlike materials in them; but their feeble garrisons will be inadequate for their defence, unless the provincial forces can be concentrated in and around them. An enterprising enemy would carry them by *coups de main* before they could be reinforced from England, and

once taken the ports and roadsteads which they have been erected to defend, would not be over-safe for the naval armaments sent out too late for their relief.

"That the subject should be looked upon and dealt with mainly to the consideration of permanent connection between Great Britain and the provinces, and the relative positions of England and the United States, in the event of hostilities between them."

The Imperial Government gave a final answer to all these demands and considerations, by the Despatch of your Grace of the 12th April 1862, in which your Grace says,—

"I much regret to inform you that after giving the subject the best consideration, Her Majesty's Government have not felt themselves at liberty to concur in this mode of assistance. Anxious, however, to promote, as far as they can, the important object of completing the great line of Railway communication on British ground between the Atlantic and the westernmost parts of Canada, and to assist the provinces in a scheme which would so materially promote their interests, Her Majesty's Government are willing to offer to the Provincial Governments an imperial guarantee of interest towards enabling them to raise by public loan, if they should desire it, at a moderate rate, the requisite funds for constructing the Railway."

The Colonies held, in consequence, a conference at Quebec in September, and then by their delegates agreed,—

1st. "That whilst they had learned with very great regret that Her Majesty's Imperial Government has finally declined to sanction the proposals made on behalf of these provinces in December 1861, and at previous periods, they at the same time acknowledged the consideration exhibited in substituting the proposal of an Imperial guarantee of interest towards enabling them to raise by public loan, if they should desire it, at a moderate rate, the requisite funds for constructing the Railway."

2d. "That with an anxious desire to bind the provinces more closely together, to strengthen their connection with the Mother-Country, to promote their common commercial interests, and to provide facilities essential to the public defences of these provinces, as integral parts of the Empire, the undersigned are prepared to assume under the Imperial guarantee the liability for the expenditure necessary to construct this great work.

3d. "That, in arriving at this conclusion, the undersigned have been greatly influenced by the conviction that the construction of the road between Halifax and Quebec must supply an essential link in the chain of an unbroken highway extending through British territory from the Atlantic to the Pacific, in the completion of which every Imperial interest in North America is most deeply involved."

The Colonies have declared their willingness to assume the whole liability of the cost of the road, provided they are assisted in raising the requisite funds for its construction at a moderate rate of interest by the Imperial guarantee. It may fairly be said that the proposal now is, not of a loan of Imperial monies to the Colonies for Colonial purposes only, but of a mode involving no actual liability to the Imperial Government, to facilitate the construction of a great national work in the interest of the Empire, as well as of the Colonies.

The only question involved, as regards Great Britain, is the sufficiency of the security offered by the Colonies to cover this distant liability resulting from the Imperial guarantee.

If their past condition, compared with the present, does not establish fully their ability to repay the loan in the periods proposed, such a comparison would only prove more strongly than any other fact that this admittedly necessary work of military defence ought to be adopted by the Imperial Government alone.

But to make evident the amplex of the security offered by the Colony, it is sufficient to compare the Revenue of the Colony in 1842, when the first Imperial Guaranteed Loan was effectuated with the Revenues in 1861.

In 1842 it was 365,605 *l.* currency; in 1861 it was 1,785,156 *l.*, after deduction of the costs of collection.

After several interviews with your Grace and the Chancellor of the Exchequer, when



when the conditions of the loan, the nature of the security, and the arrangements of a sinking fund were discussed without coming to any positive understanding, the delegates have now been officially informed that the Imperial guarantee will be given on certain conditions stated in the annexed document.

The delegates regret to state that, in their opinion, some of these conditions are of a nature to render the Imperial guarantee of no advantage, and others to render its availableness so remote or encumbered with difficulties that the Colonies could not accept it, as an assistance towards an undertaking, and a measure to provide facilities essential to the public defences of the provinces as integral parts of the Empire.

The stipulation that the loan is to be the first charge after the interest of existing debts seems to them shaped so as to operate against the payment of other debts coming due before the repayment of the loan.

The annual repayment of the loan renders the period of payment much shorter than the period proposed; and, beside the loss it involves, it deprives the Colony of a large sum which, employed during such a period towards internal improvements, would afford a greater security than this annual payment, by the development of the resources and of the wealth of the country. In any arrangement the Colonies ought not to be fettered by conditions of payment through any form of sinking fund, which would make this Imperial guarantee an impediment to future internal improvement, while, by increasing the rate of interest and by the expenses and loss incurred in its management, the Imperial guarantee would thus cease to be of any real aid and advantage.

The investment of these annual payments into colonial securities will not give a better security than the engagement of the Colonial Government to pay a fixed sum at a fixed period.

These investments into colonial securities, "as Her Majesty's Government shall direct, and the Colonial Government shall approve," will lead to difficulties which, if not of a graver character than those that have already arisen out of the disposal of the sinking fund created for the first Imperial guarantee, fully satisfy the delegates that these arrangements are not more favourable than the former.

The experience of Canada is strongly adverse to a sinking fund; it created annoyances and difficulties, made the rate of interest higher than she would have paid by borrowing on her unassisted credit.

The delegates are informed that "it is of course understood that the assent of the Treasury to these arrangements pre-supposes adequate proof of the sufficiency of the Colonial resources to meet the charges intended to be imposed upon them."

When, after more than 20 years negotiation, the offer of an Imperial guarantee was made, the Colonies had some right to believe that the sufficiency of their revenues to meet these increased charges was known and acknowledged, as all information which they could give is already in the possession of the Treasury, and is set forth in the fullest detail in the statistical table annually published by Her Majesty's Government. No survey, no legislation, can take place before the Colonies are made aware that adequate proof has been made of the sufficiency of their revenues to meet the intended charges; and it would be important for the Colonies to be informed, at the earliest period, what further proof is wanted.

The 8th condition is, that fitting provision is to be made for the carriage of troops, &c. &c.

If it is meant that the troops are to be carried free of any charge, the delegates must observe that, when this was offered by the Colonies, it was as a part of the scheme then proposed, that England should contribute half the cost of the construction of the road.

When it is now proposed that the whole cost should be borne by the Colonies, it cannot be expected that they must also relieve the Imperial Government from all expenditure attending the transport of troops, &c.

All these conditions pre-suppose that the Imperial government has no interest to serve, or no policy to uphold in the construction of this great railway, that the Colonies must be treated as any other government asking a loan from the Imperial Treasury; proof is required, as it is enacted from any unknown debtor, as to the sufficiency of his means to meet his engagement. With an ordinary debtor, when this sufficiency is established, he may do what he pleases with the

monies borrowed; but, in this instance, the funds are to be applied to an undertaking admitted by all to afford an immense development to the wealth of the creditor, enabling him to maintain more efficiently his power and supremacy, with the control even of directing the location of this work where, in his opinion, it will secure all these advantages most efficiently, although the cost to the debtor may be much increased and the pecuniary advantages made much less, if not a great loss, thereby.

The Treasury proposes another condition, which must greatly delay all the arrangements, and may, after all the expenses attending the requisite surveys, the trouble and the difficulties of carrying the necessary legislation in the different Colonial Legislatures, render all this trouble, all this expenditure, all this legislation, useless and of no avail, leaving certainly a strong feeling of dissatisfaction in the minds of the inhabitants of the Colonies.

"The Imperial Government is not to be asked for this guarantee until the line and the surveys shall have been submitted to and approved by Her Majesty's Government, and until it shall have been proved to the satisfaction of Her Majesty's Government that the line can be constructed without further application for an Imperial guarantee."

The proposed guarantee is limited by the Treasury to 3,000,000 *l.* It is possible that the railroad may cost half a million or more above this fixed sum of 3,000,000 *l.*, and this, by the fact of a selection of a route chosen for its military advantages and upon consideration certainly as Imperial as Colonial. And then the Colonies, before obtaining this guarantee, must prove to parties not always showing too much confidence in their wealth, that the line can be constructed without further application for an Imperial Guarantee.

Another period of many years will probably elapse before the discussions upon this point close.

The Schedule pre-supposes that the rate of interest is fixed by the Treasury at four per cent., while it was demanded by the delegates, after consultation with the fiscal agents of the province, that the rate should be fixed at 3½ per cent., and that the debentures should bear that rate of interest.

The surveys and the selection of the route must be settled as preliminary proceedings to any legislation prepared to carry out the offer of the Imperial guarantee in the Colonial Legislature.

By the proposal of the Treasury, it is only after the surveys and after the selection of the route that the provinces can act in regard to their guarantee, if the cost is established at no more than 3,000,000 *l.*, and when information is given to the Colonies that their resources are judged sufficient to bear the charge.

If the cost of construction is above 3,000,000 *l.*, proof must be made, to the satisfaction of Her Majesty's Government, that the line can be constructed without further application for an Imperial guarantee. Pending the discussion which may follow during a long period, to establish this fact or this possibility, no action, no legislation, can be adopted.

Some of these conditions and demands are a strange commentary upon the official statement made by Earl Grey, in 1848. "Her Majesty's Government fully appreciates the importance of the proposed undertaking, and entertains no doubt of the great advantages which would result not only to the provinces interested in the work, but to the Empire at large, from the construction of such a railway: but before proceeding to consider the question whether steps should be taken by Her Majesty's Government to carry this plan into effect, it was necessary that they should be informed how the several provinces were disposed to co-operate in its execution."

These demands, rather ungracefully unsay the eloquent words of Earl Derby, that to grant an Imperial aid was a wise, a sound, and even an economical course in the end, even though, in the first instance, it would involve an outlay; and sure he was that it would confer immense benefits to the Colonies, and bestow incalculable advantages on this country itself, and confirm its territorial power in North America.

The question of the public defences of the Colonies, as integral parts of the Empire; the question of the maintenance, of the extension of the political and social influence of England over the whole of her immense possessions in North America; the economical questions of so vast magnitude to the welfare of the nation;



nation; the question of unemployed capital, of surplus labour, underlie every link of the great and national road which Canada is anxious to build by the largest and most liberal contribution, from the Atlantic to the Pacific.

They had a just right to ask the co-operation of Great Britain, and when she only demands an advance of guarantee, which can by no eventualities involve the liability of a single halfpenny, to use the language of Earl Derby, she has certainly fair grounds to expect a prompt and liberal course of action.

If the different groups of population spread over British America, and which will numerate at least 12 or 15 millions in twenty-five years, are allowed to proceed in different directions, to have no common tendencies, without any centralisation of their political existence, no other bond but their disjointed interest, fostered by different commercial policies, and settled upon principles of localities, they must continue weak and powerless, and an easy prey to the powerful Republic girdled round these Colonies.

Bind all these small communities by closer intercourses; make a whole strong by its unity of interest, of tendencies, of political organisation, of common views; create by commercial relations mutual interests amongst themselves and with England, direct the minds towards a general and comprehensive policy; you will thus benefit the industry, the wealth of England, extend your power of civilization, and lay the foundations of large and important States, friendly and grateful.

The Canadian Government does not press this undertaking because it is popular with their people; on the contrary, they have to encounter a strong and popular opposition; but fully appreciating the strength and the importance it will eventually give their country, and more particularly the facilities it will provide for the public defences of their part of the Empire, they have not hesitated to adopt a policy which appeared to them sound, highly national, and conducive to the greatness and the defence of the Empire at large.

As a measure of defence, Canada will cheerfully bear her share of the large burden imposed by the construction of the road. But if the policy of the Imperial Government in relation to this work is practically a declaration that they are not disposed to treat it as a measure of national concern and of public defence of a portion of the Empire, the enterprise will not become more popular.

The views and the policy involved and following out of the conditions attached to this so distant liability of the Imperial Exchequer, are so much at variance with the views and the policy entertained by Canada, that the undersigned have considered themselves bound to review these long pending negotiations, and to contrast the views of the Colonies as to the military and Imperial character of the work, with the Imperial policy refusing to contribute towards it, and arranging, not an advance of money, but of a simple guarantee, which the work alone would sufficiently protect, in a manner illiberal, obstructive, and which refuses to acknowledge any corresponding duty on the part of the Mother Country.

They will hasten to submit to their Government the conditions and arrangements proposed by the Imperial Government to carry out the offer of an imperial guarantee, with the hope that upon the pressing instances of the Colonies this aid of an Imperial guarantee will be given in the manner explained by the Delegates at their different interviews with your Grace and the Treasury.

These conditions, urged by the Delegates, and detailed in the annexed paper, in enabling the Colonies to borrow the requisite funds at the low rate of  $3\frac{1}{2}$  per cent. would render the Imperial guarantee a real and tangible assistance, accepted as an equivalent to the contribution of the Imperial Government towards a work of national concern and a measure of public defence. The actual and future wealth of the Colonies are ample and sufficient securities to the Imperial Exchequer against the possibilities, even the most remote, of any loss, and a satisfactory proof that the road would be constructed if these conditions were accepted.

London,  
23 December 1862.

We have, &c.  
(signed) *L. V. Sicotte.*  
*Wm. P. Howland.*

*Enclosed in the above letter from Messrs. Sicotte and Howland was a Copy of the Treasury Memorandum and Schedule, printed on pages 14 and 15, but with the addition of the following note by themselves :—*

It is proposed by the Delegates—

1. That the loan shall be for 3,000,000*l.* sterling.
2. That the liability of each Colony shall be apportioned as follows :
 

|              |   |   |   |   |   |   |                    |
|--------------|---|---|---|---|---|---|--------------------|
| £. 1,250,000 | - | - | - | - | - | - | for Canada.        |
| 875,000      | - | - | - | - | - | - | for New Brunswick. |
| 875,000      | - | - | - | - | - | - | for Nova Scotia.   |
3. That the debentures issued shall bear interest at the rate of 3½ per cent.
4. That the interest shall be paid half-yearly, in London, on the 1st of May and the 1st of November.
5. That the loan shall be repaid in four instalments :
 

|            |   |   |   |   |   |   |              |
|------------|---|---|---|---|---|---|--------------|
| £. 250,000 | - | - | - | - | - | - | in 10 years. |
| 500,000    | - | - | - | - | - | - | in 20 years. |
| 1,000,000  | - | - | - | - | - | - | in 30 years. |
| 1,250,000  | - | - | - | - | - | - | in 40 years. |
6. That the net profits of the road shall be applied towards the extinction of the loan.
7. That the loan shall be the first charge upon the revenues of each colony, after the existing debts and charges.
8. That the Imperial Government shall have the right to select one of the engineers appointed to make the surveys for the location of the line.
9. That the selection of the line shall rest with the Imperial Government.
10. If it is concluded that the work is to be constructed by a joint commission, it shall be constituted in the following proportions: Canada shall appoint two of the Commissioners, New Brunswick and Nova Scotia, each, one.
- These four shall name a fifth before entering upon the discharge of their duties.
11. Such portions of the Railways now owned by the Governments of Nova Scotia and New Brunswick, which may be required to form part of the Inter-colonial Road, will be worked under the above commission.
12. All net gain or loss resulting from the working and keeping in repair of any portion of the roads constructed by Nova Scotia or New Brunswick, and to be used as a part of the Inter-colonial Road, shall be received and borne by these Provinces respectively, and the surplus, if any, after the payment of interest, shall go in abatement of interest, on the whole line between Halifax and Rivière-du-Loup.
13. That the rates shall be uniform over each respective portion of the road.
14. That Crown lands required for the Railway or stations shall be provided by each Province.

— No. 4. —

(No. 4.)

COPY of a DESPATCH from His Grace the Duke of Newcastle, K.G., to  
Governor General Viscount Monck.

No. 4.

Duke of Newcastle,  
K.G., to Governor  
General Viscount  
Monck.  
17 January 1863.

My Lord,

Downing-street, 17 January 1863.

You will no doubt have received from Messrs. Sicotte and Howland, the copy of a Memorandum which they have addressed to me respecting the proposed loan for the construction of the Intercolonial Railway.

My first impression derived from the language and general character of that document, was that it amounted to a final though indirect rejection on the part of Canada, of the terms offered by Her Majesty's Government, and thus required no present notice from me. As, however, the Act of the Canadian delegates is not necessary to be taken as that of the Government, and as, therefore, the question will probably be further agitated in the Colony, I have thought it best to inform you generally of the circumstances under which this Memorandum was sent to me.

The whole question of the loan was very fully canvassed at this office in repeated interviews between the four delegates and myself; and I was certainly under the impression that, with a single exception, the very numerous objections interposed by Mr. Sicotte had been successively removed by explanation or concession: the exception related to the mode of securing repayment of the principal sum borrowed, but I collected that, even on this head, the substantial objection to a sinking fund was admitted to have been removed by providing that the payments to that fund might be employed in extinguishing the debt or invest it in other Colonial securities.

At this period of the negotiation the Canadian delegates left London for Paris, where, I presume, they received a copy of the memorandum embodying the



the terms, as altered after discussion, which Her Majesty's Government were prepared to sanction, and which the delegates of Nova Scotia and New Brunswick have signified their readiness to accept. On their return to England, Messrs. Sicotte and Howland sought no further communication with, or explanation from, this department, but on the day on which they embarked for Canada, left this statement, repudiating the terms which had been accepted by their colleagues, and which I had been led to suppose contained little that was unacceptable to themselves.

Some of the grounds alleged for that repudiation would, I think, hardly have been advanced had the objectors thought it advisable to ascertain, by further conference, the intentions of Her Majesty's Government. I will myself only observe upon them, first, that the repudiation by Messrs. Sicotte and Howland of any fixed arrangement for securing payment of the principal borrowed does not appear wholly consistent with the sixth article of their own counter-proposal; and next, that the British Treasury, in proposing 4 % as the rate of interest, can hardly be supposed to insist on that rate being offered, if it should appear that the money could be obtained at par on more advantageous terms.

I shall, of course, wish to be informed whether the views set forth in the delegates' paper are adopted by the Canadian Government, and whether I am to understand that the offer of Her Majesty's Government is finally rejected.

I have, &c.  
(signed) *Newcastle.*

— No. 5. —

(No. 8.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to Governor General Viscount *Monck*.

No. 5.

Duke of Newcastle,  
K. G., to Governor  
General Viscount  
Monck.

29 January 1863.

\* Page 24.

My Lord, Downing-street, 29 January 1863.  
WITH reference to my Despatch, No. 4\*, of the 17th of January, I transmit to you herewith a copy of a Minute by the Secretary to the Treasury,† upon two questions raised in the annexed letter from Mr. Tilley, the New Brunswick delegate, on the subject of the proposed loan for the construction of the Inter-colonial Railway, viz., the mode in which the loan should be raised, and the extent to which it should form a first charge on the provincial revenues.

† Treasury Minute,  
page 14.

Mr. Tilley to Sir  
F. Rogers.

I have, &c.  
(signed) *Newcastle.*

Enclosure in No. 5.

*S. L. Tilley*, Esq., to Sir *Frederic Rogers*, Bart.

Encl. in No. 5.

Provincial Secretary's Office, Fredericton, New Brunswick,  
5 January 1863.

Dear Sir,

JUST before leaving London, I received the copy of the paper you read to me at the Colonial Office on the morning of the 13th December last, as embodying the terms on which the Duke of Newcastle and Mr. Gladstone would be prepared to propose to Parliament an Imperial guarantee of the Railway Loan of 3,000,000*l*.

In the letter accompanying the Memorandum, you state that the 4th clause is not altered so as to meet my objections, as Mr. Hamilton thought it best that I should receive the paper as it stood, and that I could make my observations upon that section.

As worded, the provisions of Section 4, if embodied in an Act of our Legislature, would change the character of our debentures now outstanding. Such a measure could not be sanctioned by the Government or Legislature, and I am confident it will not be insisted upon, when understood, by Mr. Gladstone. The proposed loan must stand as a first charge on the Consolidated Revenues, after the Civil List, and existing legal liabilities, including principal as well as interest.

During one of the interviews with which Mr. Howland and I were favoured by Mr. Hamilton, it was understood that if the Imperial guarantee was given, the debentures would be issued by the Lords Commissioners of Her Majesty's Treasury, and these Commissioners would act as trustees of this loan and the Sinking Fund. This arrangement is only indirectly referred to in the Memorandum transmitted to me on the

13th December. You will please obtain the sanction of the Treasury to an additional section containing this proposal.

It is possible that these matters have all been arranged by the Canadian and Nova Scotia delegates before leaving, and the necessary records made; if so, an answer to this letter will not be necessary.

I am, &c.  
(signed) *S. L. Tilley.*

WITH reference to the two questions raised by Mr. Tilley upon the stipulations embodied in the Memorandum relating to the proposed Loan for the construction of an Intercolonial Railway, the Treasury considers that an answer should be sent to the following effect:—

1. Her Majesty's Government never contemplated acquiring a precedence over existing engagements of the Colonial Governments, whether for interest or principal; but the assent of the Treasury to the arrangement, as stated in Article V., pre-supposes adequate proof of the sufficiency of the Colonial revenues to meet the charges imposed upon them, which charges would comprise not only the Civil List, and the accruing interest of any existing debt standing in priority to the proposed railway loan, but also any payment of principal standing in the same priority, which may fall due within the period at the expiration of which the railway loan is required to be fully liquidated, as well as the current interest and the decennial accumulation for extinction of principal, of the proposed railway loan.

No statement of revenue or liabilities which would afford this evidence has as yet been exhibited to Her Majesty's Government.

2. In the event of the proposed arrangement being carried into effect, the Treasury will not object to issue the debentures, upon the precedent of the Canada Guaranteed Loan of 1843, under the hand of the Lords Commissioners, and to authorise one of their officers to act as trustee, together with a nominee of the Colony, for the investment in their joint names of the instalments remitted from time to time on account of Sinking Fund, provided such a course shall be deemed advisable by the Colonial Governments.

— No. 6. —

No. 6.

(No. 2.)

Duke of Newcastle,  
K.G., to Lieut.  
Governor Hon.  
A. H. Gordon.  
24 January 1863.

COPY of a DESPATCH from His Grace the Duke of Newcastle, K.G., to Lieutenant Governor the Honourable A. H. Gordon.

Sir,

Downing-street, 24 January 1863.

I HAVE the honour to transmit to you herewith a copy of a Memorandum\* which Messrs. Sicotte and Howland, the delegates from Canada, on the subject of the Inter-colonial Railway, have addressed to me, on their departure from England.

I have, &c.  
(signed) *Newcastle.*

— No. 7. —

No. 7.

(No. 3.)

Duke of Newcastle,  
K.G., to Lieut.  
Governor Hon.  
A. H. Gordon.  
24 January 1863.

COPY of a DESPATCH from His Grace the Duke of Newcastle, K.G., to Lieutenant Governor the Honourable Arthur H. Gordon.

Sir,

Downing-street, 24 January 1863.

I HAVE to request that you will acquaint Mr. Tilley that his letter of the 5th\* instant, addressed to Sir Frederic Rogers, on the subject of the Treasury Minute on the proposed loan for the construction of the Inter-colonial Railway, has been received in this department, and I enclose a copy of a memorandum† which I have received from the Secretary to the Treasury on the points raised by Mr. Tilley respecting the mode of raising the loan, and the priority of charge on the Colonial Revenues, which I trust will be satisfactory to him.

Mr. Tilley will doubtless communicate this information to his colleague, Mr. Howe. I have therefore not sent a copy of this paper to Lord Mulgrave.

I have, &c.  
(signed) *Newcastle.*

\* Page 25.

† Page 14.



## — No. 8. —

(No. 4.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to  
Lieutenant Governor the Earl of *Mulgrave*.

Sir,

Downing-street, 24 January 1863.

I HAVE the honour to transmit to you herewith a copy of a Memorandum\* which Messrs. Sicotte and Howland, the delegates from Canada, on the subject of the Inter-colonial Railway, have addressed to me on their departure from England.

I have, &c.  
(signed) *Newcastle*.

No. 8.

Duke of Newcastle,  
K.G., to Lieut.  
Governor the Earl  
of Mulgrave.  
24 January 1863.

\* Page 16.

## — No. 9. —

(No. 10.)

COPY of a DESPATCH from his Grace the Duke of *Newcastle*, K.G., to  
Lieutenant Governor the Earl of *Mulgrave*.

My Lord,

Downing-street, 31 January 1863.

WITH reference to my Despatch, No. 4,\* of the 24th of January, I have the honour to transmit to your Lordship a copy of a Minute† by the Secretary to the Treasury upon two questions raised in the annexed letter from Mr. Tilley,‡ the delegate of New Brunswick, on the subject of the proposed Loan for the construction of the Inter-colonial Railway; viz., the mode in which the loan should be raised, and the extent to which it should form a first charge on the Provincial Revenue.

I am, &c.  
(signed) *Newcastle*.

No. 9.

Duke of Newcastle,  
K.G., to Lieut.  
Governor the Earl  
of Mulgrave.  
31 January 1863.

\* Page 27 (above).

† Page 14.

‡ Mr. Tilley, 5 Jan.  
Page 25.

## — III. —

## ACTS passed by NEW BRUNSWICK and NOVA SCOTIA.

## — No. 1. —

(No. 31.)

COPY of a DESPATCH from Lieutenant Governor the Honourable *Arthur H. Gordon*, to his Grace the Duke of *Newcastle*, K.C.

Fredericton, 27 April 1863.

(Answered, No. 29, 16 May 1863, page 33.)

My Lord Duke,

It is with great satisfaction that I transmit to your Grace a copy of a Bill to authorise a loan, and for the construction and management of an intercolonial railway, as finally assented to by me on the 20th instant.

2. The Bill passed through all its stages in the House of Assembly by considerable majorities, and in the Legislative Council only two votes were recorded against it.

3. So far as this Province is concerned, no more can at present be done towards the completion of this great work, but I earnestly trust that the Government of Canada may, before long, be induced to perceive the necessity of fulfilling their part of the agreement entered into between the different Provinces in September 1862.

I have, &c.  
(signed) *Arthur H. Gordon*.

No. 1.

Lieut. Governor  
Hon. A. H. Gordon  
to the Duke of  
Newcastle, K.C.  
27 April 1863.

## Enclosure in No. 1.

A BILL to authorise a LOAN, and for the Construction and Management of an INTER-COLONIAL RAILWAY.

Encl. in No. 1.

WHEREAS, in reply to an application for Imperial aid to construct a railroad from Truro, in Nova Scotia, through New Brunswick, to Rivière du Loup, in Canada, his Grace the Duke of Newcastle, Her Majesty's Principal Secretary of State for the Colonies, transmitted

mitted to the Governor General of Canada, and to each of the Lieutenant Governors of Nova Scotia and New Brunswick, a Despatch bearing date the 12th day of April, A. D. 1862, in which, among other things, it is declared that Her Majesty's Government, anxious to promote, as far as they can, the important object of completing the great line of railway communication on British ground, between the Atlantic and the westernmost parts of Canada, and to assist the Provinces in a scheme which would materially promote their interest, Her Majesty's Government are willing to offer to the provincial Governments an Imperial guarantee of interest towards enabling them to raise by public loan, if they should desire it, at a moderate rate, the requisite funds for constructing the railway.

And whereas, at a meeting of delegates from the Provinces of Nova Scotia and New Brunswick, with members of the Government of Canada, held at Quebec on the 10th day of September, in the year last aforesaid, to consider such proposition and to adjust the terms upon which the same should be accepted, after deliberation had, two memoranda in writing were drawn up and signed on behalf of the Governments of Canada, Nova Scotia, and New Brunswick, relating to the several matters under consideration, copies of which are contained in a Schedule hereunto annexed, marked respectively A and B.

And whereas, in pursuance of the provisions in said memoranda contained, a delegation from the Provinces of Canada, Nova Scotia, and New Brunswick, proceeded to London, with a view of carrying out the objects therein set forth; and, after consultation with Members of Her Majesty's Government, a Paper, stating the terms and conditions upon which the British Government would afford their guarantee, was submitted by Sir Frederic Rogers, on the 13th December, in the year aforesaid, as a basis for Colonial legislation, a copy of which Paper is set forth in said schedule, and marked C, followed by a further Paper from Sir Frederic Rogers, on behalf of the Duke of Newcastle, dated 21st of January 1863, transmitting a copy of a Minute by the Secretary of the Treasury also hereto annexed, and marked D.

And whereas, on the part of the Province of New Brunswick, it has been determined to accept this offer of Imperial aid to construct the said railway, upon the terms in the said papers set forth, and to assume the liability of three and one-half twelfths of three millions of pounds sterling, as specified therein;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The Governor in Council is hereby authorised to borrow through and upon the guarantee of the British Government, three and one-half twelfths of three millions of pounds sterling, for the purpose of aiding in the construction of an intercolonial line of railway between Truro, in the Province of Nova Scotia, through the Province of New Brunswick, and Rivière du Loup in the Province of Canada.

2. No such loan shall be contracted on behalf of the Province of New Brunswick until corresponding powers have been given by the Legislature of Canada to the Government of Canada, to borrow, under like guarantee, five-twelfths of three millions of pounds sterling, nor until corresponding powers shall have been given by the Legislature of Nova Scotia to the Government of Nova Scotia, to borrow, under like guarantee, three and one-half twelfths of three millions of pounds sterling for the same object.

3. The amount so borrowed shall be applied towards the completion of the said railway, on a line to be approved by the Imperial Government.

4. The principal and interest on the said loan of three and one-half twelfths of three millions of pounds sterling, shall be a first charge on the revenue of the Provinces after the Civil List and the principal and interest of existing debts and liabilities, the interest on the said loan to be payable semi-annually at London on or before the 1st day of May and November in each year.

5. The loan to be liquidated as follows:—Three and one-half twelfths of two hundred and fifty thousand pounds sterling, to be payable ten years after contracting such loan; three and one-half twelfths of five hundred thousand pounds sterling, twenty years; three and one-half twelfths of one million of pounds sterling; thirty years; and three and one-half twelfths of one million two hundred and fifty thousand pounds sterling, forty years, after contracting such loan.

6. The payment of the three last instalments to be provided for as follows:—

#### 2d Decade (say 1873 to 1882 inclusive).

A Sinking Fund of three and one-half twelfths of 40,000 £ sterling, to be remitted annually to the Imperial Treasury, being an amount adequate, if invested at five per centum compound interest, to provide three and one-half twelfths of five hundred thousand pounds sterling at the end of the decade; the sum to be remitted annually, to be invested in the names of trustees, in Colonial securities of any of the three Provinces aforesaid, prior to or forming part of the loan to be raised, or in such other Colonial securities as Her Majesty's Government shall direct, and the Government of New Brunswick shall approve.

#### 3d Decade (say 1883 to 1892 inclusive).

A Sinking Fund of three and one-half twelfths of eighty thousand pounds sterling, to be remitted annually to the Imperial Treasury, being an amount adequate, if invested at five per centum compound interest, to provide three and one-half twelfths of one million of pounds sterling at the end of the decade; the amount when remitted to be invested as in the case of the Sinking Fund for the preceding decade.

#### 4th Decade



## 4th Decade (say 1893 to 1902 inclusive).

A Sinking Fund of three and one-half twelfths of one hundred thousand pounds sterling to be remitted annually to the Imperial Treasury, being an amount adequate, if invested at five per centum compound interest, to provide three and one-half twelfths of one million two hundred and fifty thousand pounds sterling, being the balance of the loan, at the end of the decade. This amount, when remitted, to be invested as in the preceding decades.

Should the Sinking Fund of any decade produce a surplus, it will go to the credit of the next decade; and in the last decade, the Sinking Fund will be remitted or reduced accordingly.

7. The construction of said Railway, if by the Governments, shall be conducted by five Commissioners—two to be appointed by Canada, one by Nova Scotia, and one by New Brunswick; these four to choose the remaining Commissioner. The preliminary surveys shall be effected at the expense of the Colonies, by three engineers and other officers to be nominated, two of such engineers to be chosen by the Governments of Canada, Nova Scotia, and New Brunswick, and one by the Imperial Government; and of such expense the Province of New Brunswick shall be liable for three and one-half twelfths.

8. The road to be at the service of the Imperial Government for the carriage of troops and munitions of war, on such terms and at such rate of tariff as may from time to time be agreed upon between the Imperial and Colonial Governments.

9. As soon as the Provinces of Canada and Nova Scotia shall have provided the necessary legislation to carry into effect the stipulations contained in the Memoranda A. and B, and upon the terms and conditions set forth in the Paper marked C, in the Schedule annexed, furnished by the British Government, the Governor in Council may appoint a suitable person, to hold office during pleasure, as one of the Commissioners to be selected in conformity with the provisions of Sections One of Memorandum B in said Schedule, who shall be clothed with all the powers necessary to carry out the provisions of this Act in conjunction with Commissioners to be appointed by the Governments of Canada and Nova Scotia, as in said Section set forth.

10. If any company or body corporate now or hereafter to be organized, possessing sufficient capital, shall offer to construct the contemplated railway between Truro, in Nova Scotia, and Rivière du Loup, in Canada, and shall give such guarantee or assurance that they will complete the same as the several Governments of Canada, Nova Scotia, and New Brunswick may deem necessary, the Governor in Council is hereby authorized and empowered on the part and behalf of New Brunswick, to enter into an agreement, conjointly with Canada and Nova Scotia, with such company or body corporate, for the construction of said railway, upon the following terms, viz.:—That upon completion of such railway, the Province of New Brunswick shall each and every year for and during the first period of ten years thereafter, in which the said railway shall be effectually worked, pay to the said company or body corporate, a sum which, together with the net earnings of the said railway, shall be equal to the interest, at the rate of three and a half per centum on three and one-half twelfths of three millions of pounds sterling. Each and every year for and during the second period of ten years thereafter in which the said railway shall be effectually worked, a sum which, together with the net earnings of said railway, shall be equal to the interest at the rate of three and a half per centum on three and one-half twelfths of three millions of pounds sterling, but not exceeding in any one year the sum of twenty thousand pounds sterling. Each and every year for and during the third period of ten years thereafter, in which the said railway shall be effectually worked, a sum which, together with the net earnings of the said railway, shall be equal to the interest at the rate of three and a half per centum on three and one-half twelfths of three millions of pounds sterling, but not exceeding in any one year the sum of twelve thousand pounds sterling. Each and every year for and during the fourth period of ten years thereafter, in which the said railway shall be effectually worked, a sum which, together with the net earnings of the said railway, shall be equal to the interest at three and a half per centum on three and one-half twelfths of three millions of pounds sterling, but not exceeding in any one year the sum of six thousand pounds sterling; which said payments shall be and are hereby made a first charge upon the revenues of the Province next after the Civil List and the debts and liabilities existing at the time of the passing of this Act.

11. In case that no suitable company, or body corporate, shall offer or be found willing to construct and manage the said railway, upon terms and conditions provided in the preceding section, then the Commissioner to be appointed on behalf of this Province shall be empowered to act conjointly with the other Commissioners to construct the said road, by public tender and contract, in the cheapest and most efficient manner the said Commissioners can devise, and upon the site that shall have been surveyed and approved by the Governments of the three Provinces.

12. When the preliminary surveys shall have been completed in the manner above provided, and the British Government shall have approved of a line and surveys, the work shall commence and be continued simultaneously in each of the Provinces, and such portions, or the whole of the line, shall be immediately put under contract of construction, in sections or otherwise, to be finished at such dates, with such guarantees and securities for completion as shall be deemed most advisable by such Commissioners.

13. No such loan shall be contracted without the assent of the Legislature, until it shall be satisfactorily made to appear to the Governor in Council by the estimates and certificates of the engineers appointed under the authority of this Act, that a first class railway can

be constructed from Truro, in Nova Scotia to Rivière du Loup, in Canada, on the line selected and under the terms of the proffered guarantee.

14. Three of the five Commissioners shall be a quorum for the transaction of business, and in case of disagreement, the decision of a majority shall be binding.

15. No person holding a seat in the Legislature shall become security for the performance of any contract with the Commissioners, or for any work or engagement in relation to the railway to be constructed referred to in this Act; and no Member of the Legislature of this Province shall hold the office of Commissioner, or hold or be appointed to any office of emolument under the Commissioners, or be a contractor or party to any contract arising out of the construction, management, or working of the road, or any part thereof.

16. Where the road shall pass through Crown Lands, the Governor in Council is hereby authorized to grant, for the purposes of the road, the necessary Crown Lands for track, sidings, and stations.

17. The Commissioners to be appointed for carrying out the provisions of this Act, when the line shall be constructed, are authorized to make rules and regulations for managing and working the entire line, in conformity with the stipulations in the Memoranda aforesaid mentioned; and so far as the Province of New Brunswick is concerned, such rules and regulations, when approved by the Governor in Council, shall have all the force of law within the boundaries of this Province.

18. If either the Province of Canada or the Province of Nova Scotia shall not legislate within two years after the passing of this Act, providing for the construction of the said Intercolonial Railway, on the terms of the said Memoranda and Papers in the said Schedule, or some modification of them to be agreed upon by the Legislatures of the three Provinces and the Imperial Government, then this Act, and every matter and thing herein contained, shall, at the end of two years from the passing hereof, be and stand repealed.

19. The Legislature will make such further provisions as may be deemed necessary to give effect to this Act, for the purpose of raising the loan, paying the interest, liquidating the debt, and for the construction and management of the road.

#### SCHEDULE in the Foregoing Act referred to.

##### MEMORANDUM A.

THE undersigned, representing the three Governments of Canada, Nova Scotia, and New Brunswick, convened to consider the Despatch of his Grace the Duke of Newcastle of 12th April 1862, with reference to the intercolonial railway, having given the very important matters contained in that Despatch their attentive consideration, are agreed—

I. That whilst they have learnt with very great regret that Her Majesty's Imperial Government has finally declined to sanction the proposals made in behalf of these Provinces in December 1861, and at previous periods, they at the same time acknowledge the consideration exhibited in substituting the proposal of "an Imperial guarantee of interest towards enabling them to raise by public loan, if they should desire it, at a moderate rate, the requisite funds for constructing the railway."

II. That, with an anxious desire to bind the Provinces more closely together, to strengthen their connection with the mother country, to promote their common commercial interests, and to provide facilities essential for the public defence of these Provinces as integral parts of the Empire, the undersigned are prepared to assume, under the Imperial guarantee, the liability necessary to construct this great work.

III. That the three Governments are agreed that the proportions of liability for the necessary expenditure shall be appropriated as follows, viz.—five-twelfths for Canada, and seven-twelfths to be equally divided between the Provinces of Nova Scotia and New Brunswick.

IV. But it is understood that the liability for principal and interest shall be borne by each province to the extent only of the proportion hereby agreed upon.

V. That, in arriving at this conclusion, the undersigned have been greatly influenced by the conviction that the construction of the road between Halifax and Quebec must supply an essential link in the chain of an unbroken highway extending through British territory from the Atlantic to the Pacific, and in the completion of which every Imperial interest in North America is most deeply involved; and the undersigned are agreed that, to present properly this part of the subject to the Imperial authorities, the three Provinces will unite at an early day in a joint representation on the immense political and commercial importance of the western extension of the projected line.

|          |                          |   |                        |   |                   |                  |            |
|----------|--------------------------|---|------------------------|---|-------------------|------------------|------------|
| (signed) | <i>J. S. Macdonald,</i>  | } | <i>Joseph Howe,</i>    | } | Representing Nova |                  |            |
|          | <i>L. V. Sicotte,</i>    |   | <i>William Annand,</i> |   | Scotia.           |                  |            |
|          | <i>J. Morris,</i>        |   | <i>J. Mc Cully,</i>    |   |                   |                  |            |
|          | <i>W. P. Howland,</i>    |   | <i>S. L. Tilley,</i>   |   | }                 | Representing New |            |
|          | <i>Wm. Mc Dougall,</i>   |   | <i>W. H. Steeves,</i>  |   |                   |                  | Brunswick. |
|          | <i>U. T. Tessier,</i>    |   | <i>P. Mitchell,</i>    |   |                   |                  |            |
|          | <i>T. D'Arcy Mc Gee,</i> |   |                        |   |                   |                  |            |
|          | <i>F. Eventurel,</i>     |   |                        |   |                   |                  |            |
|          | <i>Adam Wilson,</i>      |   |                        |   |                   |                  |            |

12 September 1862.



## MEMORANDUM B.

I. If it should be concluded that the work shall be constructed and managed by a joint Commission of the three Provinces, it shall be constituted in the proportion of two appointed by the Government of Canada, and one each by the Governments of Nova Scotia and New Brunswick, the four to select a fifth before entering upon the discharge of their duties.

II. That a joint delegation proceed with as little loss of time as possible to England to arrange with the Imperial Government the terms of the loans, the nature of the securities required, the amount to be paid for the transport of troops and mails, and, if possible, to obtain a modification of the terms proposed, to the extent of the interest accruing during the construction of the work.

III. That no surveys be authorised until the laws contemplated shall have been passed, and the joint Commissioners appointed.

IV. That any profit or loss, after paying working expenses, shall be divided in proportion to the contributions of the several Provinces.

V. That such portions of the railways now owned by the Governments of Nova Scotia and New Brunswick, which may be required to form part of the intercolonial road, shall be worked under such joint authority as may be appointed by the three Provinces; that the rates collected shall be uniform over each respective portion of the road; that all net gain or loss resulting from the working or keeping in repair of any portion of the road constructed by Nova Scotia or New Brunswick, and to be used as a part of the Intercolonial Railway, shall be received and borne by the said Provinces respectively, and the surplus, if any, after the payment of interest, shall go in abatement of interest on the whole line between Halifax and Rivière du Loup.

Crown lands required for the line or for stations, shall be provided by each Province.

(signed) *Thos. D'Arcy McGee*, for Canada.  
*Joseph Howe*, for Nova Scotia.  
*S. L. Tilley*, for New Brunswick.

## MEMORANDUM C.

PAPER furnished by Sir *Frederic Rogers*.

It is proposed—

1. That Bills shall be immediately submitted to the Legislatures of Canada, Nova Scotia, and New Brunswick, authorising the respective Governments to borrow 3,000,000 *l.*, under the guarantee of the British Government, in the following proportions:—five-twelfths, Canada; three and a half twelfths, Nova Scotia; three and a half twelfths, New Brunswick.

2. But no such loan to be contracted on behalf of any one Colony, until corresponding powers have been given to the Governments of the other two Colonies concerned, nor unless the Imperial Government shall guarantee payment of interest on such loan until repaid.

3. The money to be applied to the completion of a railway connecting Halifax with Quebec, on a line to be approved by the Imperial Government.

4. The interest to be a first-charge on the Consolidated Revenue Funds of the different Provinces, after the Civil List and the interest of existing debts; and, as regards Canada, after the rest of the six charges enumerated in the 5 & 6 Vict. cap. 118, and 3 & 4 Vict. cap. 35 (Acts of Union).

5. The debentures to be in series as follows, viz:—

|                                                           |    |   |   |
|-----------------------------------------------------------|----|---|---|
| £. 250,000 to be payable 10 years after contracting loan. |    |   |   |
| £. 500,000                                                | 20 | " | " |
| £. 1,000,000                                              | 30 | " | " |
| £. 1,250,000                                              | 40 | " | " |

In the event of these debentures, or any of them, not being redeemed by the Colonies at the period when they fall due, the amount unpaid shall become a charge on their respective revenues, next after the loan, until paid. The principal to be repaid as follows:—

1st Decade (say 1863 to 1872, inclusive), 250,000 *l.* in redemption of the first series, at or before the close of the first decade from the contracting of the loan.

2d Decade (say 1873 to 1882 inclusive).—A Sinking Fund of 40,000 *l.*, to be remitted annually; being an amount adequate, if invested at 5 per cent. compound interest, to provide 500,000 *l.* at the end of the decade; the sum to be remitted annually, to be invested in the names of trustees in Colonial securities of any of the three Provinces prior to, or forming part of the loan now to be raised, or in such other Colonial securities as Her Majesty's Government shall direct, and the three Colonial Governments approve.

3d Decade (say 1883 to 1892 inclusive). A Sinking Fund of 80,000*L.*, to be remitted annually; being an amount adequate, if invested at 5 per cent. compound interest, to provide 1,000,000 *L.* at the end of the decade; the amount, when remitted, to be invested, as in the case of the Sinking Fund for the preceding decade.

4th Decade (say 1893 to 1902 inclusive). A Sinking Fund of 100,000*L.*, to be remitted annually; being an amount adequate, if invested at 5 per cent. compound interest, to provide 1,250,000*L.*, being the balance of the loan, at the end of the decade. This amount, when remitted, to be invested as in the preceding decade.

Should the Sinking Fund of any decade produce a surplus, it will go to the credit of the next decade. And, in the last decade, the Sinking Fund will be remitted or reduced accordingly.

It is, of course, understood, that the assent of the Treasury to these arrangements, pre-supposes adequate proof of the sufficiency of the Colonial revenues to meet the charges intended to be imposed upon them.

6. The construction of the railway to be conducted by five Commissioners. Two to be appointed by Canada, one by Nova Scotia, and one by New Brunswick. These four to choose the remaining Commissioner.

7. The preliminary surveys to be effected at the expense of the Colonies by three engineers, or other officers nominated, two by the Commissioners, and one by the Home Government.

8. Fitting provision to be made for carriage of troops, &c.

9. Parliament not to be asked for the guarantee until the line and surveys shall have been submitted to and approved of by Her Majesty's Government, and until it shall have been shown, to the satisfaction of Her Majesty's Government, that the line can be constructed without further application for an Imperial guarantee.

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#### MEMORANDUM D.

Sir,

Downing-street, 24 January 1863.

I HAVE to request that you will acquaint Mr. Tilley that his letter of the 5th instant, addressed to Sir Frederic Rogers, on the subject of the Treasury Minute on the proposed loan for the construction of the Intercolonial Railway, has been received in this Department; and I enclose a copy of a Memorandum which I have received from the Secretary to the Treasury, on the points raised by Mr. Tilley respecting the mode of raising the loan, and the priority of charge on the Colonial revenues, which I trust will be satisfactory to him.

Mr. Tilley will, doubtless, communicate this information to his colleague, Mr. Howe; I have therefore not sent a copy of this paper to Lord Mulgrave.

I have, &c.

(signed) *Frederic Rogers,*  
(In the absence of the Duke of Newcastle).

Lieutenant Governor Honourable A. H. Gordon,  
&c. &c. &c.

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(Enclosure.)

WITH reference to the two questions raised by Mr. Tilley upon the stipulations embodied in the Memorandum relating to the proposed Loan for the construction of an Intercolonial Railway, the Treasury considers that an answer should be sent to the following effect:—

1. Her Majesty's Government never contemplated acquiring a precedence over existing engagements of the Colonial Governments, whether for interest or principal; but the assent of the Treasury to the arrangement, as stated in Article V., pre-supposes adequate proof of the sufficiency of the Colonial revenues to meet the charges imposed upon them, which charges would comprise not only the Civil List, and the accruing interest of any existing debt standing in priority to the proposed railway loan, but also any payment of principal standing in the same priority, which may fall due within the period at the expiration of which the railway loan is required to be fully liquidated, as well as the current interest and the decennial accumulation for extinction of principal, of the proposed railway loan.

No statement of revenue or liabilities which would afford this evidence has as yet been exhibited to Her Majesty's Government.

2. In the event of the proposed arrangement being carried into effect, the Treasury will not object to issue the debentures, upon the precedent of the Canada Guaranteed Loan of 1843, under the hand of the Lords Commissioners, and to authorise one of their officers to act as trustee, together with a nominee of the Colony, for the investment in their joint names of the instalments remitted from time to time on account of Sinking Fund, provided such a course shall be deemed advisable by the Colonial Governments.

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## — No. 2. —

(No. 29.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to  
Lieutenant Governor the Honourable *Arthur H. Gordon*.

Sir,

Downing-street, 16 May 1863.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 31\*, of the 27th ultimo, enclosing a copy of the Bill to which you had assented "to authorise a loan, and for the construction and management of an Intercolonial Railway." The readiness of the Legislature of New Brunswick to forward the work of an Intercolonial Railway has afforded much satisfaction to Her Majesty's Government.

I have, &c.  
(signed) *Newcastle*.

No. 2.  
The Duke of New-  
castle, K.G., to  
Lieut. Governor  
Hon. A. H. Gordon.  
16 May 1863.

\* Page 27.

## — No. 3. —

(No. 52.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to  
Lieutenant Governor the Honourable *Arthur H. Gordon*.

Sir,

Downing-street, 10 October 1863.

I HAVE the honour to acknowledge the receipt, together with other Acts of the Legislature of New Brunswick, of "Chapter V., an Act to authorise a Loan, and for the Construction and Management of an Intercolonial Railway,"\* passed in April last.

This evidence of the readiness of the Legislature of New Brunswick to promote this important project of intercolonial communication has afforded me much satisfaction.

Her Majesty's decision upon this Act, as well as upon a similar one received from Nova Scotia will, however, be reserved until the arrival of the corresponding Act from Canada.

I am, &c.  
(signed) *Newcastle*.

No. 3.  
The Duke of New-  
castle, K.G., to  
Lieut. Governor  
Hon. A. H. Gordon.  
10 October 1863.

\* The Act is the same as the Bill enclosed in Governor Gordon's Despatch, No. 31, 27 April 1863, printed at page 27.

## — No. 4. —

(No. 43.)

COPY of a DESPATCH from Lieutenant Governor the Earl of *Mulgrave* to  
His Grace the Duke of *Newcastle*, K.G.

Government House, Halifax, Nova Scotia,  
29 April 1863.

My Lord Duke,

(Answered No. 33; 16 May 1863, page 34.)

I HAVE much satisfaction in informing your Grace that I have this day assented to an Act passed by the Legislature of this Province, accepting the terms offered by Her Majesty's Government for the construction of an intercolonial railroad; and I now enclose the copy of a Minute of my Executive Council, together with a copy of the Bill which has been passed.

I have, &c.  
(signed) *Mulgrave*.

No. 4.  
The Earl of Mul-  
grave to the Duke  
of Newcastle, K.G.  
29 April 1863.

*The Nova Scotia Act enclosed in this Despatch from Lord Mulgrave, and the Papers appended to it, coincide with the New Brunswick Bill and Papers above printed.*

— No. 5. —

(No. 33.)

No. 5.

Duke of Newcastle,  
K.G., to Lieut. Go-  
vernor the Earl of  
Mulgrave.

16 May 1863.

\* Page 33.

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to  
Lieutenant Governor the Earl of *Mulgrave*.

My Lord,

Downing-street, 16 May 1863.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 43\* of the 29th ultimo, enclosing, together with a Minute of the Executive Council on the subject, a Bill to which you had assented "to authorise a loan, and for the construction and management of an Intercolonial Railway." Her Majesty's Government regard with much satisfaction this evidence of the readiness of the Legislature of Nova Scotia to promote this important undertaking.

I have, &amp;c.

(signed) *Newcastle*.

— No. 6. —

(No. 60.)

No. 6.

Duke of Newcastle,  
K.G., to the Officer  
Administering the  
Government of  
Nova Scotia.

10 October 1863.

\* Page 34  
(above).

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to the  
Officer Administering the Government of *Nova Scotia*.

Sir,

Downing-street, 10 October 1863.

I HAVE the honour to acknowledge the receipt, together with other Acts of the Legislature of Nova Scotia, of "chapter 21, an Act to authorise a loan, and for the construction and management of an Intercolonial Railway," passed in April last. In my Despatch, No. 33\* of the 16th May last, I intimated to you my satisfaction at this evidence of the readiness of the Legislature of Nova Scotia to promote this undertaking.

Her Majesty's decision upon this Act, as well as upon a similar one received from New Brunswick, will, however, be reserved until the arrival of the corresponding Act from Canada.

I have, &amp;c.

(signed) *Newcastle*.

## — IV. —

CORRESPONDENCE relating to the SURVEY of the INTERCOLONIAL LINE,  
and the CONSTRUCTION of the TRURO and the BEND LINE.

— No. 1. —

(No. 93.)

No. 1.

Governor General  
Viscount Monck to  
the Duke of New-  
castle, K.G.

1 October 1863.

COPY of a DESPATCH from Governor General Viscount *Monck*, to His Grace  
the Duke of *Newcastle*, K.G.

My Lord Duke,

Quebec, 1 October 1863.

(Answered No. 108; 20 October 1863. Page 36.)

I HAVE the honour to send for your Grace's information a copy of a Despatch, and Enclosure which I have received from the Lieutenant Governor of New Brunswick, in reference to the proposed Survey of the Line of the Intercolonial Railway, and a Minute of the Executive Council of this Province in answer to that Despatch.

I have sent a copy of this Minute to Mr. Gordon.

I have, &amp;c.

(signed) *Monck*.

18 September 1863.

29 September 1863.



## Enclosure 1, in No. 1.

My Lord,

Fredericton, 18 September 1863.

Encl. 1, in No. 1.

I HAVE the honour to transmit to your Excellency the accompanying copy of a Minute of my Executive Council presented to me to-day.

2. I readily assent to the adoption of the course recommended by this Minute, and entirely concur in the hope therein expressed that no further departure from the terms of the agreement entered into by the three Provinces will be hereafter proposed by your Excellency's Advisers.

His Excellency Viscount Monck,  
&c. &c. &c.

I have, &c.  
(signed) *Arthur H. Gordon.*

## Sub-enclosure.

To His Excellency the Honourable *A. H. Gordon*, C.M.G., Lieutenant Governor of the Province of New Brunswick.

Executive Council Room, 16 September 1863.

IN recommending your Excellency to appoint, in conjunction with the Government of Nova Scotia, an engineer to make the preliminary exploration and survey of the line of the proposed railway, previous to the passing of the Railway Bills by the Canadian Legislature, we are aware that we are not adhering strictly to the arrangements agreed upon at Quebec by the representatives of the three Provinces in September last, and subsequently confirmed by Her Majesty's representative in each, which provided that no surveys should be authorised until the necessary Legislation should be had by the several Colonies and joint Commissioners appointed.

As such previous survey, however, is desired by the Canadian Government, they bearing five-twelfths of the cost, we are induced to advise your Excellency to make the necessary appointments for that purpose in full faith that no other departure from the compact entered into between the Provinces will be proposed, and that the construction of the railway, if found practicable, will be undertaken upon the basis of that agreement.

We respectfully recommend that a copy of this Minute be transmitted to the Governor General of Canada.

I have, &c.  
(signed) *S. L. Tilley.*  
*W. H. Steeves.*  
*Charles Watters.*  
*P. Mitchell.*  
*John M. Millan.*  
*James Steadman.*  
*George L. Hatheway.*  
*William E. Perley.*

## Enclosure 2, in No. 1.

COPY of a REPORT of a Committee of the Executive Council; approved by His Excellency the Governor General, 29 September 1863. Encl. 2, in No. 1.

THE Committee of the Executive Council having had referred to them the Despatch of the 18th September instant of His Excellency, the Lieutenant Governor of New Brunswick, transmitting copy of a Minute of his Executive Council on the subject of the contemplated survey for an Intercolonial Railway, have the honour to submit for your Excellency's consideration the following observations in relation thereto:—

The Committee find that whilst the Executive Council of New Brunswick advise the appointment of a surveyor to act in conjunction with the surveyor appointed by this Province to conduct the proposed survey, they would seem to qualify the recommendation by associating with it a hope that the survey being accomplished, the basis agreed upon by the Convention held in September 1862 will be adhered to, if the construction of the railway be hereafter found practicable.

The Committee learn with pleasure that so far as the survey is concerned, their plans are cordially acquiesced in by the Executive of New Brunswick, and they look forward with satisfaction to the consummation of the important undertaking, of which the survey is the preliminary step. In order that there may be no misapprehension however between the Governments of the Provinces having a common interest in this matter, the Committee think it right to call to mind the manner in which the negotiations conducted in London terminated, and the general position in which the question of any Intercolonial Railway at present stands in this Province.

The Committee would remind your Excellency that the conditions proposed by the Imperial Government in connexion with the assistance to be rendered towards the construction of the railway, differed in some important particulars from the agreement of September 1862, and from the instructions which the delegates sent on the part of Canada, were charged to carry into effect. The Committee may refer to the distinct refusal on the part of the Imperial Government to regard the contribution which Canada might make to the Intercolonial Railway as being to that extent an expenditure for defensive purposes, the proposed sinking fund, and to the conditions set forth as in the ninth of the series of propositions presented by the Imperial Government.

"Parliament not to be asked for this guarantee until the line and surveys shall have been submitted to and approved by Her Majesty's Government, and until it shall have been shown to the satisfaction of Her Majesty's Government that the line can be constructed without further application for an Imperial Guarantee;" the Imperial Government thus making the proposed assistance by way of loan contingent upon the results of a previous survey, establishing the sufficiency of the guarantee for the full purposes for which it was to be granted; the delegates were therefore constrained to decline the acceptance of a proposal fettered by conditions so much at variance with their instructions, and their decision received the approval of their colleagues as being in harmony with the spirit of the agreement arrived at by the Quebec Convention, and in entire conformity with the unequivocal tone of public opinion in the Province.

The negotiations founded upon the understanding entered into by the Convention of September 1862, were regarded as terminated with the return of the delegates to this Province, and it was hoped that the report of this Council of 25th February last would have sufficed to prevent misconception as to the necessary abandonment of the basis upon which the negotiations up to that time had been founded, and to show that any further action by the Government of this Province must be the subject of subsequent consideration.

It is further to be observed that the carrying out of the agreement of September 1862, necessarily depended upon the success of the negotiations with the Imperial Government, and the assent of the Legislatures of the three Provinces being obtained. These negotiations having failed, and it being manifest that the construction of the railway could not be attempted without Imperial aid, the Canadian Government did not feel that they were in a position to invite any action on the part of the Canadian Legislature, beyond making a provision for a preliminary survey, the results of which may lead to further negotiations, and on a different basis from that agreed to by the Convention.

In order to promote the construction of a work which the events of each succeeding year invest with greater importance, the Committee addressed themselves to the task of devising plans whereby the attainment of the object might be secured in a manner consistent with the interests and resources of this Province. They found that the examination of the route and the satisfactory completion of a survey were also indicated by the Imperial Government as conditions precedent of any negotiations, and they then informed your Excellency that they had decided upon recommending an appropriation by the Legislature of Canada for the purpose of making such a survey as is necessary to the final determination of the several proposals. In conformity with this determination, they have asked an appropriation of 10,000 dollars during the present Session, and they have also appointed an engineer to proceed with the survey so soon as the requisite arrangements can be completed. The action of the Legislature has proceeded so far as that it may be regarded as having rendered the appropriation a certainty, and the immediate commencement of the survey is therefore dependent only upon the unqualified concurrence of the Provinces of Nova Scotia and New Brunswick.

The necessity of a prompt decision on the part of the Government of New Brunswick, with a view to an early commencement of the survey, is obvious, inasmuch as the season during which this survey may be most advantageously performed is rapidly passing away.

(Certified.)

William H. Lee, C.E.C.

— No. 2. —

(No. 108.)

No. 2.

Duke of Newcastle, K.G., to Governor General Viscount Monck.  
20 October 1863.

COPY of a DESPATCH from his Grace the Duke of Newcastle, K.G., to Governor General Viscount Monck.

My Lord,

Downing-street, 20 October 1863.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, No. 93,\* of the 1st instant, enclosing a Minute of your Executive Council, approved by yourself, arising out of the proposed commencement of the preliminary surveys for the Intercolonial Railway.

I understand this Minute to embody the decision of the Canadian Government to the following effect: that the negotiations with the Imperial Government, commenced last winter, with a view to the construction of that railway, are conclusively

\* Page 34.



clusively abandoned; that the Provincial Governments (and therefore, of course, the Government of this country), are no longer bound by their respective proposals in relation to that project, and that by rejecting the offers made last winter by the Home Government, the Canadian Government has placed itself at liberty to repudiate also the Convention of the previous September.

I find some difficulty in reconciling the terms of this Minute with those of your Lordship's Despatch, No. 87, of the 14th ultimo, in which you conveyed the recommendation of your Government that an engineer should be appointed by the Imperial Government for the preliminary surveys in apparent pursuance of the terms embodied in the Treasury Memorandum of December last, which Memorandum was based upon the negotiations which your Government now treat as abortive, and I am therefore somewhat at a loss to understand on what grounds, or in what capacity I have been requested to nominate a surveyor on behalf of the British Government. I have, however, no difficulty in stating that I have every desire to facilitate the operations of the Provincial Government in this matter, and in repeating that the preliminary survey may, in my opinion, very properly be placed in Mr. Fleming's hands.

I have, &c.  
(signed) *Newcastle.*

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— No. 3. —

(No. 110.)

COPY of a DESPATCH from Governor General Viscount *Monck* to His Grace the Duke of *Newcastle*, K. G.

Government House, Quebec,  
7 November 1863.

No. 3.  
Governor Viscount  
*Monck* to the  
Duke of New-  
castle, K. G.  
7 November 1863.

\* Page 36.

My Lord Duke,

I HAVE the honour to acknowledge the receipt of your Grace's Despatch, No. 108,\* of 20 October, in reference to the last Minute of the Executive Council of this Province, which I transmitted to your Grace on the subject of the contemplated survey of the proposed line of the Intercolonial Railway.

In reply, I have to inform your Grace, that the Government of Canada considers that the disagreement between the Imperial Government and the delegates of Canada with regard to the terms on which it was proposed to grant the Imperial guarantee for the loan necessary for the construction of the line has rendered further proceedings on the basis of the agreement of 1862 impossible, and that, as a necessary consequence, neither the Imperial Government, nor that of Canada, should be considered as concluded by any of the stipulations entered into on that occasion.

The Canadian Government is however impressed with the importance of the proposed work, and desirous of taking every measure calculated to lead to its execution.

This Government entertains the strongest conviction, that in order to render the scheme acceptable to the public of Canada, and thereby to secure for it that support in the Legislature, without which it is useless for the Executive to enter into any further preliminary negotiations on the subject, a survey, which will afford a trustworthy basis for an estimate of the probable cost of the work, is indispensable.

Should the results of the survey prove satisfactory, the Canadian Government look forward to obtaining at some future period the co-operation and assistance of the Imperial Government in the execution of this work, and it is with the design that Her Majesty's Ministers may be officially satisfied with the competence of the persons appointed to conduct the proposed survey, and of the trust which should be reposed in their reports that I have, at the desire of the Executive Council, requested your Grace to appoint an engineer to act on the part of the Imperial Government in the survey with those nominated by the Provinces interested in the work.

It is a matter of great satisfaction, both to myself and to the Executive Council of Canada, that your Grace is disposed to join with us in the proposed survey, and to express your approbation of the selection we have made of Mr. Sandford Fleming, as the engineer to represent Canada in the duties connected with it.

I have, &c.  
(signed) *Monck.*

— No. 4. —

(No. 24.)

No. 4.  
Governor Viscount  
Monck to the  
Duke of New-  
castle, K.G.  
26 February 1864.

COPY of a DESPATCH from Governor General Viscount *Monck* to his Grace the Duke of *Newcastle*, K.G.

Quebec, 26 February 1864.

(Answered, No. 31, 26 March 1864, Page 38.)

My Lord Duke,

I HAVE the honour to enclose for your Grace's information, a copy of a Despatch which I have addressed to the Governors of Nova Scotia and New Brunswick respecting the survey of the line of the proposed Intercolonial Railway.

His Grace the Duke of Newcastle, &amp;c., &amp;c.

I have, &amp;c.

(signed) *Monck*.

Enclosure in No. 4.

Encl. in No. 4.

Sir,

Government House, Quebec.  
20 February 1864.

REFERRING to the correspondence which has taken place between the Government of Canada and that of New Brunswick, in reference to the execution of a survey of the route of the proposed inter-colonial railway, I have the honour to inform your Excellency, that, in order to avoid further delay, the Government of Canada has decided to undertake the survey on its own responsibility, and at its sole expense.

It will be for the Governments of New Brunswick and Nova Scotia hereafter to consider whether, if the results of the survey shall prove useful to the enterprise, they will deem it right to reimburse to Canada their proportions of the cost of the work.

Mr. Sandford Fleming, the engineer appointed to conduct the survey will be despatched to the seat of his operations as soon as the necessary arrangements can be completed, and I have to request that you will give directions that he may receive any assistance in the discharge of his duties which it may be in the power of your Government to afford him.

I have, &amp;c.

(signed) *Monck*.

His Excellency the Honourable A. H. Gordon, C. M. G.,

&amp;c. &amp;c. &amp;c.

Fredericton, New Brunswick.

His Excellency Major General Doyle,

&amp;c. &amp;c. &amp;c.

Administrator, Halifax.

— No. 5. —

(No. 31.)

No. 5.  
Duke of New-  
castle, K.G., to  
Viscount Monck.  
26 March 1864.

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K. G., to Governor General Viscount *Monck*.

My Lord,

Downing-street, 26 March 1864.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, No. 24,\* of the 26th ultimo, enclosing a copy of a Despatch which you had addressed to the Lieutenant Governor of New Brunswick, communicating the decision of the Canadian Government to undertake the survey of the line of the proposed Intercolonial Railway on its own responsibility, and at its sole expense, leaving the question of making any reimbursement to the discretion of the Governments of Nova Scotia and New Brunswick.

I am, &amp;c.

(signed) *Newcastle*.

\* Page 38  
(above).



— No. 6. —

(No. 32.)

COPY of a DESPATCH from Governor General Viscount *Monck* to His Grace the Duke of *Newcastle*, K.G.

No. 6.  
Viscount Monck  
to the Duke of  
Newcastle, K.G.  
15 March 1864.

My Lord Duke,

Quebec, 15 March 1864.

I HAVE the honour to enclose for your Grace's information, a copy of the instructions given by this Government to Mr. Sandford Fleming, for the survey of the line of the Intercolonial Railway.

I have, &c.  
(signed) *Monck*.

Enclosure in No. 6.

Sir,

Secretary's Office, Quebec,  
11 March 1864.

Encl. in No. 6.

I HAVE the honour to enclose to you herewith, a copy of my letter which I have this day addressed to Mr. Sandford Fleming, C.E., at Fredericton, New Brunswick, on the subject of his instructions with reference to the survey of the proposed route of the Intercolonial Railway.

The Governor's Secretary,  
&c. &c. &c.  
Quebec.

I have, &c.  
(signed) *A. J. Fergusson Blair*.

Sub-Enclosure.

Sir,

Secretary's Office, Quebec,  
11 March 1864.

I NOW address to you in writing instructions by the Government of Canada for the survey intrusted to you of the route of the proposed Intercolonial Railway, the substance of which instructions has already been communicated to you in a verbal manner, such mode of communication having been adopted at the time in order to avoid delay in your departure from Quebec on the duty in question.

1. You are instructed on the part of the Government of Canada to proceed immediately to a survey and examination of the territory through which the proposed line of railway between this Province and those of New Brunswick and Nova Scotia would run.

2. This survey and examination are intended for the purpose of enabling the Government of Canada to form an estimate of the practicability of the proposed undertaking, and of its probable cost in order that the expediency of engaging in the work itself may be judged of in a satisfactory manner.

3. The information so obtained will also be at the service of the other Governments interested if desired.

4. On a general examination of the country you will consider the routes which have on previous occasions been contemplated for the object in question, as well as any others which may seem to you worthy of attention.

5. Your notice will be especially given to any obstacles which may present themselves as requiring serious expense to surmount, and to the best methods of overcoming such obstacles, or of avoiding them by deviations from the direct line.

6. You will also pay attention to the distance of what may in other respects appear the most eligible line from the frontier of the United States at various points.

7. You will make your calculations in the matter of the probable cost of the work with a due regard to economy, but at the same time to full efficiency.

8. Similar considerations will guide you as regards the survey and examination.

9. You will endeavour to act in a cordial and harmonious spirit with any persons who may be appointed either on the part of the sister colonies or of the Imperial Government to co-operate with you.

10. The completion of the survey and examination at as early a period as possible is highly desirable.

11. You will report your progress from time to time to the Provincial Secretary of Canada.

I have, &c.  
(signed) *A. J. Fergusson Blair*, Secretary.

Sandford Fleming, Esq., Civil Engineer,  
Fredericton, New Brunswick.

— No. 7. —

(No. 56.)

No. 7.  
Duke of New-  
castle, K.G., to  
Lieut. Governor  
Hon. A.H. Gordon.  
23 October 1863.

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to  
Lieutenant Governor the Honourable *Arthur Gordon*.

Sir,

Downing-street, 23 October 1863.

LEARNING from Lord Monck's Despatch to me of the 1st October (No. 93),\* that his Lordship had sent you a copy of an approved Minute of the Executive Council of Canada, dated the 29th of last September, purporting to be an answer to your Despatch to his Lordship of the 18th of the same month, on the subject of the contemplated survey of the line for the Intercolonial Railroad, I deem it advisable to put you in possession of the Despatch which I have addressed to Lord Monck. I accordingly enclose you a copy for your information.

I have, &c.  
(signed) *Newcastle*.

— No. 8. —

(No. 18.)

No. 8.  
Duke of New-  
castle, K.G., to  
Lieut. Governor  
Hon. A.H. Gordon.  
19 March 1863.

COPY of a DESPATCH from his Grace the Duke of *Newcastle*, K.G., to  
Lieutenant Governor the Honourable *Arthur Gordon*.

Sir,

Downing-street, 19 March 1864.

I TRANSMIT to you, for your information, a copy of a correspondence which has passed between this Department, the Treasury, and Mr. Watkin, the President of the Grand Trunk Railway, on the subject of the proposed Intercolonial Railway.

From this correspondence you will learn the understanding upon which Her Majesty's Government are prepared to accede to the proposition now submitted to them, with regard to the construction of a line of Railway between Truro and the Bend, in the Provinces of New Brunswick and Nova Scotia, as a part of the larger project for completing the railway communication between Halifax and Quebec.

The question whether this section of the railway should be at once undertaken is, of course, entirely for the decision of the Provincial Legislatures. I need hardly say that I shall myself view with interest any step which tends to facilitate the completion of the plan contemplated in the negotiations of 1862-3.

I have, &c.  
(signed) *Newcastle*.

— No. 9. —

(No. 64.)

No. 9.  
Duke of Newcastle,  
K.G., to the Officer  
administering the Go-  
vernment of Nova  
Scotia.  
23 October 1863.

COPY of a DESPATCH from his Grace the Duke of *Newcastle*, K.G., to the  
Officer Administering the Government of Nova Scotia.

Sir,

Downing-street, 23 October 1863.

I HAVE the honour to transmit, for your information, the copy of a recent correspondence between the Governor of Canada and myself, on the subject of the survey of the line for the Intercolonial Railway.

I have, &c.,  
(signed) *Newcastle*.

Viscount Monck to the  
Duke of Newcastle,  
K.G.  
(No. 95.) 1 October  
1863, page 34.  
Duke of Newcastle,  
K.G., to Viscount  
Monck.  
(No. 108.) 20 October  
1863, page 36.



## — No. 10. —

(No. 15.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to the Officer Administering the Government of Nova Scotia.

Sir,

Downing-street, 19 March 1864.

I TRANSMIT to you, for your information, a copy of a correspondence which has passed between this Department, the Treasury, and Mr. Watkin, the President of the Grand Trunk Railway, on the subject of the proposed Intercolonial Railway.

From this correspondence you will learn the understanding upon which Her Majesty's Government are prepared to accede to the proposition now submitted to them, with regard to the construction of a line of railway between Truro and the Bend, in the Provinces of New Brunswick and Nova Scotia, as a part of the larger project for completing the railway communication between Halifax and Quebec.

The question whether this section of the railway should be at once undertaken is, of course, entirely for the decision of the Provincial Legislatures. I need hardly say that I shall myself view with interest any step which tends to facilitate the completion of the plan contemplated in the negotiations of 1862-63.

I have, &c.  
(signed) *Newcastle*.

No. 10.  
Sir F. Rogers, Bart., to  
the Officer administering  
the Government  
of Nova Scotia.  
19 March 1864,

Colonial Office to  
Treasury.  
11 March 1864,  
page 42,  
Treasury to Colonial  
Office.  
18 March 1864.  
page 44.  
Sir Frederic Rogers to  
Mr. Watkin.  
19 March, 1864,  
page 45.

## — No. 11. —

(No. 35.)

COPY of a DESPATCH from the Officer Administering the Government of Nova Scotia to his Grace the Duke of *Newcastle*, K.G.

My Lord Duke,

Halifax, Nova Scotia, 13 April 1864.  
Answered, No. 8, 5 May 1864, page 42.)

I THINK it right to keep your Grace informed with reference to the action lately taken in the Legislature of this Province on the subject of the Intercolonial and other railway projects.

A Bill has passed both branches of the Legislature providing for the extension of the railway from Truro to Pictou.

A Bill has also passed the Lower House, by a very large majority, repealing the Intercolonial Railway Bill, passed last Session.

Your Grace's Despatch, No. 15,\* of the 19th March, on the subject of the Intercolonial Railway received by last mail, was immediately on its receipt laid upon the table of both Houses.

The second reading of the Repeal Bill has not been moved in the Upper House, and I do not know whether it will be pressed.

A resolution (copy of which is transmitted herewith) has also passed the House of Assembly by a majority of 28 to 8, and was yesterday laid on the table of the Legislative Council, but it appears uncertain what action will be taken upon it by that body.

I have, &c.  
(signed) *Hastings Doyle*.

No. 11.  
The Officer administering the Government of Nova Scotia to the Duke of Newcastle, K.G.  
13 April 1864.

\* above.

Enclosure in No. 11.

Encl. in No. 11.

In the House of Assembly, 11 April 1864.

*Resolved*,—That the Executive Government be authorised to secure the construction of the railway from Truro, or from the point of junction with the main line to the border of New Brunswick, through the agency of any responsible Company, provided no greater liability is incurred than four per cent. per annum, upon a capital of 10,000 £. currency, per mile, for a period not to exceed 20 years, and provided connexion is thereby secured with the railway from St. John to Shediac; and that the Government be authorised to procure the construction of the line west of Windsor, in the same manner to the extent of four cent. on a capital of 6,000 £. per mile.

— No. 12. —

No. 12.

(No. 8.)

Right Hon. E.  
Cardwell, M.P., to  
the Officer admin-  
istering the Go-  
vernment of Nova  
Scotia.

5 May 1864.

\* Page 41.

COPY of a DESPATCH from the Right Honourable *Edward Cardwell*, M.P.,  
the Officer Administering the Government of Nova Scotia.

Sir,

Downing-street, 5 May 1864.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 35,\* of  
the 13th of April, relative to the action taken in the Legislature of Nova Scotia  
on the subject of the Intercolonial and other Railway projects.

I have, &amp;c.

(signed) *Edward Cardwell*.

— No. 13. —

(No. 31.)

No. 13.  
Right Hon. E.  
Cardwell, M.P., to  
Viscount Monck.  
25 June 1864.

COPY of a DESPATCH from the Right Honourable *Edward Cardwell*, M.P.,  
to Governor General Viscount *Monck*.

My Lord,

Downing-street, 25 June 1864.

I HAVE the honour to transmit to you, for your information, the enclosed  
copies of a correspondence which took place between this Department, the  
Treasury, and Mr. Watkin, relative to the construction by the Provinces of New  
Brunswick and Nova Scotia of a railway between Truro and the Bend, which  
would serve hereafter as the first link in the Intercolonial Railway, if that project  
should be carried into execution.

These papers were not sent to you at the time, because they more immediately  
referred to a work which was confined to the Lower Provinces; but, considering  
the bearing which they have on the more general scheme of the Intercolonial  
Railway, and especially upon the applicability and duration of the offer which  
has been made of a guarantee on the part of Her Majesty's Government, I think  
it right to bring them also within the knowledge of yourself and of your  
Government.

I have, &amp;c.

(signed) *Edward Cardwell*.

Enclosure 1, in No. 13.

Encl. 1, in No. 13.

Sir,

Downing Street, 11 March 1864.

IN the months of December 1862 and January 1863, I had the honour, by direction of  
the Duke of Newcastle, to submit to you, for the consideration of the Lords of the  
Treasury, certain proposals made on behalf of the Colonies of Canada, Nova Scotia, and  
New Brunswick, in relation to the completion of a line of Railway, now partly in exist-  
ence, between Halifax and Quebec.

The conclusions approved by their Lordships and his Grace, were recorded in two  
memoranda, which, though not embodied in the usual form of departmental correspond-  
ence, were placed in the hands of the Colonial Delegates, and have since been recited in  
full



full in the Provincial Acts to which I shall presently refer. It has hitherto not been thought necessary to make these transactions the subject of more formal reference to their Lordships, because all further proceedings were contingent, in the first instance, on Colonial Legislation, and this Legislation has as yet but partially taken place. But while the prosecution of the undertaking as a whole, is thus in abeyance, a proposal has reached his Grace which, without entailing any additional expense or liability on the Imperial Government, may lead to the immediate commencement of one part of the line.

This proposal his Grace is desirous of recommending strongly for the favourable consideration of their Lordships.

The case now stands as follows:—

In the memoranda already alluded to, Her Majesty's Government state the terms on which they are prepared to propose to Parliament to guarantee a loan of 3,000,000*l.* to be spent in completing railway communication between Quebec and Halifax.

It is stipulated that the line shall be approved by the Home Government—that arrangements there described shall be made for the repayment of the loan, and that Her Majesty's Government shall approve the surveys, and must be satisfied that the line can be constructed without further application for an Imperial guarantee.

It is also stipulated that Bills shall be “immediately” submitted to the Colonial Legislatures, for giving effect to the plan.

Such Bills have been submitted to the Legislatures of New Brunswick and Nova Scotia, and passed. Copies of the Acts are now enclosed for their Lordships' information. It will be observed, that they contain transcripts of the memoranda of December 1862 and January 1863. The Canadian Government has not submitted any Bill, and appears to deny its obligation to the two other Colonies to do so.

But it appears possible, that notwithstanding the backwardness of that Government, the two lower Provinces may think it worth while at once to construct a certain portion of the line (*i. e.*, from Truro, the present terminus in Nova Scotia, to what is called the Bend), if they can be assured that they will not, by this premature action, prejudice their claim on the Imperial Guarantee, supposing that this guarantee should eventually be granted.

It appears just to His Grace that, if the undertaking is a valuable one (which it certainly is), the Lower Provinces ought not to suffer by their forwardness in commencing it, provided their work is really what it ought to be, with reference to the main scheme.

But if the railway is at once commenced, questions might arise (in which Her Majesty's Government ought not to be involved) as to the proportion in which the different Provinces are entitled, or called upon to share in the advantages or burdens of the guaranteed loan. And it is also to be borne in mind, that in strictness of construction Her Majesty's Government may now, perhaps, be entitled to withdraw the promises contained in the memoranda of 1862–3, on the ground that the condition provided of “immediately” submitting the necessary Bills to the Colonial Legislatures, has not been performed. This right Her Majesty's Government would implicitly waive, if they sanctioned the commencement of the railway by Nova Scotia and New Brunswick.

His Grace thinks that the first of these two questions (that respecting the apportionment of the guarantee), so far as regards the advantage derivable from the guarantee, is almost exclusively for the consideration of the Provinces themselves; and as regards the liabilities attaching to it, that Her Majesty's Government have no reason for desiring any alteration in consequence of the proceedings now contemplated, the only object of this country being to ensure that the road is made, and the debt properly secured.

On the second point, it appears to his Grace that the present may be a proper opportunity for fixing a definite period within which, if at all, the Legislatures must effect their legislation.

His Grace would therefore propose that the promoters of this undertaking (who, he understands, have already brought their case under the consideration of the Lords of the Treasury), might be answered to the following effect,—that if the Lower Provinces shall, at their own expense, commence the construction of a railway on a line approved by Her Majesty's Government between Truro and the Bend, and if subsequently the proposed loan of 3,000,000 *l.* shall be raised under the Imperial guarantee, in virtue of the offer contained in the above-mentioned memoranda, the railway between Truro and the Bend, and the works constructed thereupon by the Lower Provinces shall (as far as Her Majesty's Government is concerned), be considered to form part of the railway on which the loan of 3,000,000*l.* is to be expended, and Her Majesty's Government see no reason for requiring any change in that part of the memoranda which declares that 5-12ths of the loan shall be chargeable against Canada, 3½-12ths against Nova Scotia, and 3½-12ths against New Brunswick.

It may be added that the further question what part of that sum of 3,000,000*l.* should be paid over to New Brunswick and Nova Scotia, in consideration of the works effected by them, without the concurrence of Canada, will be mainly a question for the Provincial Governments, but that the Imperial Government before being party to any such payment, in respect of this section of the railway, must have sufficient security that the whole scheme will be prosecuted with effect.

It must be clearly explained that this assurance is given merely for the purpose of providing (as far as Her Majesty's Government is concerned), that New Brunswick and Nova Scotia shall not be prejudiced by commencing the railway in anticipation of a final arrangement (if such an arrangement should ever take effect), and is not to be understood as in any way varying or keeping alive, or extending that arrangement; or as imposing

New Brunswick,  
c. 5. 1863.  
Nova Scotia, c. 21,  
1863.

on the Imperial Government any liability to assist in the construction of the shorter line now contemplated, whether by way of guarantee or otherwise, except in pursuance of the offer of December 1862 and January 1863. It follows, of course, that if that offer should fall to the ground, this assurance will fall with it. And it should be particularly pointed out that the present correspondence is not to affect the right of the Home Government to determine for itself at what period the offer of 1862-63, shall be held to be cancelled by the failure of the Canadian Government to fulfil the first of the proposed conditions, viz., that of submitting immediately to the Colonial Legislatures the Bills required for carrying that offer into effect.

It might however be added, that Her Majesty's Government consider that offer as still subsisting; but would certainly cease to do so, unless a definitive arrangement were made and the necessary Colonial laws passed within five years of the date of the first memorandum, *i. e.* before December 1867.

G. A. Hamilton, Esq.  
&c. &c. &c.

I am, &c.  
(signed) *Frederic Rogers.*

Enclosure 2, in No. 13.

Encl. 2, in No. 13.

Sir,

Treasury Chambers, 18 March 1864.

I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you the enclosed copy of a letter from Mr. Watkins, the President of the Grand Trunk Railway of Canada, dated 15th ultimo; and with reference to your letter of the 11th instant, I am to request that you will state to his Grace the Duke of Newcastle that my Lords are very averse to entertain the proposition now made in relation to the construction of the line of railway between Truro and the Bend in the Provinces of New Brunswick and Nova Scotia, as a part of the larger project for completing railway communication between Quebec and Halifax, without knowing the views of the Government of those Provinces.

If, however, it should be the desire of the Governments of the Provinces of New Brunswick and Nova Scotia that the arrangement proposed in your letter of the 11th instant, with the conditions annexed, should be carried into effect, and if the Legislatures of the Provinces should make provision accordingly, this Board will be prepared to assent to that arrangement.

But their Lordships desire that it may be distinctly understood that the construction of the line now proposed between Truro and the Bend is undertaken by the two Provinces at their own risk, that no claim of any kind is to be made upon the Imperial Government if the whole project of 1862-3 should not be carried out, and that Her Majesty's Government is not to be involved in any question that may arise between the three provincial Governments with reference to the arrangement now proposed.

Sir F. Rogers, Bart.  
&c. &c. &c.

I am, &c.  
(signed) *F. Peel.*

Sub-Enclosure.

Grand Trunk Railway of Canada,  
21, Old Broad Street, E. C.  
15 February 1864.

Sir,

Provisional arrangements were made in 1862 and 1863 between Her Majesty's Treasury and delegates from Nova Scotia and New Brunswick and Canada in reference to the Intercolonial Railway.

The railway, as projected, was composed of two integral portions, one extending from Truro in Nova Scotia to a junction with the St. John and Shediac line at a place below Shediac usually known as the "Bend," and which portion was about 100 miles in length; the other extending from "the Bend," through portions of the Provinces of New Brunswick and Canada, to Riviere du Loup, where it effected a junction with the system of the Grand Trunk Railway, of which I am President, and by means of which system a direct through communication is secured to the extreme western boundary of Canada.

In the papers drawn up under your supervision, I believe, in 1863, it was proposed that the British Government should have the right of laying down the exact course of the line of railway, and that in consideration of this and other matters the Imperial guarantee should be extended to an issue of 3,000,000*l.* sterling of provincial bonds to be devoted to the construction.

I need not trouble you with further details, with which you are so familiar.

Since the issue of these documents the Provinces of Nova Scotia and New Brunswick have each passed Acts in their Parliament accepting and confirming the arrangement so far as those two Provinces are concerned; but these Acts contain a provision that if within



two years the Province of Canada should not assent and legislate, then that their own legislation should be considered void; therefore their legislation of 1863 will be void in the year 1865.

Unfortunately Canada has not yet made any practical step in advance in the way of legislation, nor is there any great likelihood that the Canadian Parliament, in the Session about to commence, will carry through the needful measures.

Under these circumstances, the Provinces of Nova Scotia and New Brunswick were anxious that Her Majesty's Government should permit the Imperial Guarantee to operate as regards the capital required to be expended on the first link of the railway, viz., that between Truro and "the Bend," but on consulting his Grace the Duke of Newcastle, at the request of Members of the Government of the two Provinces, I find him indisposed to recommend a compliance with the wishes so expressed.

As matters stand, the Parliaments of Nova Scotia and New Brunswick will, in the coming Session, be urged to devote, in other directions, the capital to be set apart for the construction of the Intercolonial.

As regards Nova Scotia, a strong effort will be made to extend their existing railway system, for local purposes, to Pictou; and more than that, both Nova Scotia and New Brunswick are, at this moment, appealed to to join with parties in the State of Maine, in connecting their respective railway systems with the railway system of the United States.

And as the latter proposal involves a much smaller cost and length of railway to construct than the Intercolonial, and as it will give for New Brunswick a short route into districts with which they have a very considerable trade, such a proposal finds many and ardent supporters.

Under these circumstances, I have suggested to his Grace the Duke of Newcastle, in accordance with what I believe to be the wishes of those in the Lower Provinces, who are anxious still for the realization of the Intercolonial project, that Her Majesty's Treasury should protect these two Provinces from damage, in the event of their taking action in the right direction, and not waiting for Canada.

Provided they can be induced to construct, without delay, and out of their own funds, the first link in the Intercolonial system above alluded to, which I consider will cost about 800,000 *l.* sterling, will Her Majesty's Treasury consent that, in the event of the complete construction of the Intercolonial Railway, under the approval of Her Majesty's Government, the fair rateable proportion of capital attributable to this first link shall be then included in the guarantee?

It might be distinctly understood, that some reasonable limit of time should be fixed by Her Majesty's Government, and also that the whole arrangement is still contingent upon Imperial Legislation, that no present guarantee is required, and that no guarantee or liability can accrue unless the whole scheme be carried out under the approval of the Treasury, and the confirmation of Parliament.

I have, &c.  
(signed) *Edwin W. Watkin.*

G. A. Hamilton, Esq.,  
Secretary, Treasury, Whitehall.

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Enclosure 3, in No. 13.

Sir,

Downing-street, 19 March 1864. Encl. 3, in No. 13.

The Duke of Newcastle desires me to inform you that he has received from the Lords of the Treasury a copy of your letter of the 15th of February, contemplating the construction, by New Brunswick and Nova Scotia, of the first link of the Intercolonial Railway between Truro and the Bend, and suggesting that the line so constructed should be held to be part of the larger scheme contemplated in the laws recently passed by those two Provinces, and by the memoranda of December 1862 and January 1864, recited in those laws.

I am directed by his Grace to inform you in reply that if the Lower Provinces shall at their own expense commence the construction of a Railway on a line approved by Her Majesty's Government between Truro and the Bend, and if subsequently the proposed loan of 3,000,000 *l.* shall be raised under the Imperial Guarantee in virtue of the offer contained in the above memoranda, the railway between Truro and the Bend, and the works constructed thereupon by the Lower Provinces shall (as far as Her Majesty's Government is concerned) be considered to form part of the railway on which the loan of 3,000,000 *l.* is to be expended, and that his Grace sees no reason for requiring any change in that part of the memoranda which declares that 5-12ths of the loan shall be chargeable against Canada, 3½-12ths against Nova Scotia, and 3¼-12ths against New Brunswick.

The further question, what part of that sum of 3,000,000 *l.* should be paid over to New Brunswick and Nova Scotia, in consequence of the works effected by them without the concurrence of Canada, will be mainly a question for the Provincial Governments in which it must be understood that Her Majesty's Government is not to be involved. But the Imperial Government before being party to any such payment in respect of this section of the railway must have sufficient security that the whole scheme will be prosecuted with effect.

It is scarcely necessary to observe that this assurance is given merely for the purpose of providing (as far as Her Majesty's Government is concerned) that New Brunswick and Nova Scotia shall not be prejudiced by commencing the railway in anticipation of a final arrangement (if such arrangement should ever take effect), and is not to be construed as in any way varying or keeping alive, or extending that arrangement, or as imposing on the Imperial Government any liability to assist in the construction of the shorter line now contemplated, whether by way of guarantee or otherwise, except in pursuance of the offer of December 1862, and January 1863. Therefore no claim whatever is to be made on the Imperial Government, unless the whole project is carried into execution; and if the offer of 1862-63 should fall to the ground, this assurance will of course fall with it.

It must also be understood that the present correspondence is not to affect the right of the Home Government to determine for itself at what period the offer of 1862-63, shall be held to be cancelled by the failure of the Canadian Government to fulfil the first of the proposed conditions, viz., that of submitting immediately to the Colonial Legislatures the Bills required for carrying that offer into effect.

I am to add, however, that Her Majesty's Government consider that offer as still subsisting; but would certainly cease to do so, unless a definitive arrangement were made, and the necessary Colonial laws passed within five years of the date of the first memorandum, *i. e.*, before December 1867.

E. W. Watkin, Esq.

I am, &c.  
(signed) *Frederic Rogers.*

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NORTH AMERICA (INTERCOLONIAL  
RAILWAY).

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COPY of CORRESPONDENCE between the NORTH  
AMERICAN PROVINCES and the IMPERIAL  
GOVERNMENT, relating to their Application for  
Assistance in raising a Loan for an INTER-  
COLONIAL RAILWAY (in continuation of Parlia-  
mentary Paper, No. 210, of 1863).

(*Mr. Adderley.*)

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*Ordered, by The House of Commons, to be Printed,  
26 July 1864.*

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# GOLD (AUSTRALIAN COLONIES AND NEW ZEALAND).

RETURN to an Address of the Honourable The House of Commons,  
dated 28 July 1863;—for,

RETURNS “of the Quantity and Value of GOLD exported yearly from the AUSTRALIAN COLONIES, including *New Zealand*, during the Years 1858 to 1862, both inclusive; distinguishing each Year what was exported from *New Zealand*, viâ *Victoria* or any other of the Australian Colonies or Ports:”

“And, of the Quantity and Value of GOLD exported from *New Zealand* to *Great Britain* during said Years; distinguishing what was exported by the Province of *Otago* and each of the other Provinces in *New Zealand*, either direct to *Great Britain*, or other Colony or Port in *Australia*.”

Colonial Office, }  
12 May 1864. }

C. FORTESCUE.

## NEW SOUTH WALES.

| Year.      | Quantity.        | Value.          |
|------------|------------------|-----------------|
|            | <i>Oz. dwts.</i> | <i>£. s. d.</i> |
| 1858 - - - | 13,963 11        | 51,999 18 -     |
| 1859 - - - | 21,178 11        | 81,504 - -      |
| 1860 - - - | 31,830 15        | 115,290 - -     |
| 1861 - - - | 50,898 12        | 191,234 - -     |
| 1862 - - - | 31,635 18        | 112,949 10 -    |

## VICTORIA.

| Year.      | Quantity.        | Value.                                                                                                                  |
|------------|------------------|-------------------------------------------------------------------------------------------------------------------------|
|            | <i>Oz. dwts.</i> |                                                                                                                         |
| 1858 - - - | 2,555,263 -      | The Returns received from<br>the colony for these years<br>do not give the Value of<br>the Gold.<br><br>£.<br>6,649,624 |
| 1859 - - - | 2,280,525 14     |                                                                                                                         |
| 1860 - - - | 2,128,466 11     |                                                                                                                         |
| 1861 - - - | 1,978,864 13     |                                                                                                                         |
| 1862 - - - | 1,662,448 18     |                                                                                                                         |

## NEW ZEALAND.

RETURN of the QUANTITY and VALUE of GOLD exported from *New Zealand* from the 1st April 1857, to 30th September, 1863.

| Port<br>of Export. | Produce<br>of Gold Fields<br>in the<br>Province of | During the Quarter ended 30th September 1863. |                           |                 |                   |                     |           |         | Exported previously<br>to<br>30th June 1863. |           | Total Exported from<br>New Zealand<br>to<br>30th September 1863. |           |
|--------------------|----------------------------------------------------|-----------------------------------------------|---------------------------|-----------------|-------------------|---------------------|-----------|---------|----------------------------------------------|-----------|------------------------------------------------------------------|-----------|
|                    |                                                    | To Great<br>Britain.                          | To New<br>South<br>Wales. | To<br>Victoria. | To Tas-<br>mania. | To other<br>places. | Total.    |         |                                              |           |                                                                  |           |
|                    |                                                    |                                               |                           |                 |                   |                     | Quantity. | Value.  |                                              |           |                                                                  |           |
|                    |                                                    | oz.                                           | oz.                       | oz.             | oz.               | oz.                 | oz.       | £.      | oz.                                          | £.        | oz.                                                              | £.        |
| Auckland -         | Auckland -                                         | -                                             | 1,141                     | -               | -                 | -                   | 1,141     | 3,540   | 4,691                                        | 15,061    | 5,832                                                            | 18,601    |
| Nelson -           | Nelson -                                           | -                                             | 2,016                     | -               | -                 | -                   | 2,016     | 7,811   | 57,064                                       | 221,122   | 59,080                                                           | 228,933   |
| Dunedin -          | Otago -                                            | -                                             | 258                       | 133,003         | 3                 | -                   | 133,264   | 516,399 | 932,587                                      | 3,613,775 | 1,065,851                                                        | 4,130,174 |
|                    |                                                    | -                                             | 3,415                     | 133,003         | 3                 | -                   | 136,421   | 527,750 | 994,342                                      | 3,849,958 | 1,130,763                                                        | 4,377,708 |

GOLD (AUSTRALIAN COLONIES AND  
NEW ZEALAND).

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RETURNS of the Quantity and Value of Gold  
exported yearly from the AUSTRALIAN COLONIES,  
including *New Zealand*, during the Years 1858 to  
1862, both inclusive ; distinguishing each Year what  
was exported from *New Zealand*, via *Victoria*, or  
any other of the Australian Colonies or Ports ; and,  
of the Quantity and Value of Gold exported from  
*New Zealand* to *Great Britain* during the said  
Years ; &c.

(*Mr. Kinnaird.*)

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*Ordered, by The House of Commons, to be Printed,*  
*27 May 1864.*

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POSTAGE (AUSTRALIA).

RETURN to an Address of the Honourable The House of Commons,  
dated 27 June 1864;—for,

“ COPY of all CORRESPONDENCE or MEMORIALS from the AUSTRALIAN  
COLONIES, with reference to the proposed INCREASE of the RATE of  
POSTAGE upon LETTERS between this Country and *Australia*.”

Colonial Office, }  
30 June 1864. }

FREDERIC ROGERS.

(*Lord Alfred Churchill.*)

*Ordered, by The House of Commons, to be Printed,*  
*1 July 1864.*

## SCHEDULE.

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| 1.—The Duke of Newcastle to the Governors of the Australian Colonies and New Zealand. | 26 January 1864—(Circular) - -          | 3     |
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| 4.—Governor Sir D. Daly to the Duke of Newcastle.                                     | 26 April 1864—(No. 21) - -              | 5     |
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COPY of all CORRESPONDENCE or MEMORIALS from the AUSTRALIAN COLONIES, with reference to the proposed INCREASE of the RATE of POSTAGE upon LETTERS between this Country and *Australia*.

— No. 1. —

(Circular.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to the Governor of the Australian Colonies and New Zealand.

No. 1.

Duke of Newcastle,  
K. G., to the Go-  
vernor of the  
Australian Colo-  
nies and New  
Zealand.

26 January 1864.

11 January 1864.

Sir,

Downing-street, 26 January 1864.

I HAVE the honour to transmit to you a copy of a letter from the Lords Commissioners of the Treasury stating that on and after the 1st of July next the postage on letters dispatched from this country to the Australian Colonies and New Zealand, *viâ* Southampton, will be raised to 1 s. the half-ounce letter, and *viâ* Marseilles, to 1 s. 4 d., together with some other minor changes.

You will be good enough to lay this communication before your Responsible Advisers for their consideration, and also in order that these changes may become publicly known.

I have, &c.

(signed) *Newcastle*.

Enclosure in No. 1.

Sir,

Treasury Chambers, 11 January 1864.

Enclosure in No. 1.

I AM commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you that the Postmaster General has called the attention of this Board to the question of raising the postage on letters to the Australian Colonies and New Zealand, with a view to diminish the loss at present sustained on this service, and my Lords concur with His Lordship in opinion that steps should be taken for this purpose.

I am to observe that the increase from 6 d. to 1 s. the half-ounce, which took effect more than six months ago in the charge upon letters between this country and the West Indies, and the Cape of Good Hope, and Natal, these last Colonies, like those in Australia, with a considerable emigrant population, has had a very satisfactory result.

The Cape service which, at the lower rate of postage and the greater amount of subsidy paid, was, until then attended with great loss, is now self-supporting, whilst the loss sustained in the service to and from the West Indies has been greatly reduced, very little diminution of correspondence having followed the increase in the rate of postage.

My Lords have every reason to believe that similar satisfactory results would attend an augmentation in the rate of postage on letters to the Australian Colonies and New Zealand, and they therefore request that the Duke of Newcastle will inform the Governments of those Colonies that on 1st July next, the postage on all letters, dispatched from this country to those Colonies, *viâ* Southampton, will be raised to 1 s. the half-ounce letter, and the postage on letters sent *viâ* Marseilles, will be raised to 1 s. 4 d. the half-ounce letter; but that, at the same time, with a view to relief being afforded to the correspondence of the poorer class of emigrants, the postage on letters conveyed by private ship will be reduced to 4 d. the half-ounce letter.

My Lords further request that the Duke of Newcastle will, in making this communication to the Governments of the respective Colonies, observe to them that each Colony will be at liberty to alter to such extent as it may think proper, the postage on letters dispatched to or through the United Kingdom.

I am to state further, that my Lords propose that, simultaneously with the raising of the postage on letters to the Australian Colonies and New Zealand, the scale of weight should be modified and made to correspond with the scale recently adopted in respect of letters exchanged with the British West Indies—Cape of Good Hope.

Under this amended scale, one rate of postage will be charged for each half-ounce that a letter may weigh, so that a letter weighing more than an ounce, but not more than

an ounce and a half will be charged three rates of postage; a letter weighing more than two ounces, but not more than two ounces and a half, four rates of postage, instead of five and six rates respectively, as under the existing scale of progression.

It will, however, be for the Colonial post-offices to decide whether they will adopt these changes with regard to letters dispatched to or through the United Kingdom or not as they may feel disposed.

Sir F. Rogers, Bart.

I am, &c.,  
(signed) F. Peel.

— No. 2. —

No. 2.

(Confidential.)

Governor Sir C.  
Darling, K.C.B., to  
the Duke of New-  
castle, K. G.  
25 April 1864.

EXTRACT of a DESPATCH from Governor Sir C. Darling, K.C.B., to His Grace  
the Duke of Newcastle, K.G.

Government Offices, Melbourne,  
25 April 1864.

(Received, 18 June 1864.)

\* "Summary for  
Europe" from the  
"Argus" News-  
paper of 25 April  
1864.

THE increased rate of postage between England and the Colony cannot, of course, be acceptable here, and I have no doubt that the "Summary\*" expresses the commercial view of the question which prevails in Melbourne. I have not been requested to make any representation on the subject to Her Majesty's Government, nor have I been informed that any communication is intended to be made through persons in England connected with the Colony.

— No. 3. —

(No. 46.)

No. 3.

Governor Sir C.  
H. Darling, K.C.B.,  
to the Duke of  
Newcastle, K.G.  
25 April 1864.

COPY of a DESPATCH from Governor Sir C. H. Darling, K.C.B., to His Grace  
the Duke of Newcastle, K.G.

Government Offices, Melbourne,  
25 April 1864.

(Received, 23 June 1864.)

My Lord Duke,

SINCE writing my Confidential Despatch of this date, in which I have adverted to the opinion I believed to be entertained in this Colony, upon the proposed increase of postage on letters from Great Britain, the accompanying memorandum has been put into my hands by Mr. McCulloch, the Chief Secretary, as containing the views upon that subject of his colleagues and himself, with a request that I would transmit it by the mail now under dispatch.

2. I have the honour to forward it accordingly, and respectfully to recommend the statements it contains to the consideration of Her Majesty's Government.

I have, &c.  
(signed) C. H. Darling.

Enclosure in No. 3.

Enclosure in No. 3.

Memorandum.

WITH reference to the Circular despatch of the Secretary of State for the Colonies notifying an increase in the rate of postage on letters forwarded from the United Kingdom to Australia, it is submitted for the consideration of his Excellency the Governor that no change appears desirable in the rates at present charged on homeward letters posted in Victoria.

It is to be regretted that such a course as that announced was deemed necessary, as there is reason to believe that a large number of persons will avail themselves of the option of sending letters by private ships at the reduced charge of 4 d. a single rate, and thus great irregularity will be occasioned in the receipt of correspondence, the more so, as it is presumed that all letters bearing 4 d., and less than 1 s. postage, will be forwarded by these uncertain opportunities.

A similar



A similar result may be expected if the altered rates were charged in this Colony; and in the case of letters sent by private ship, there would be the further loss of 1 *d.* on each letter so transmitted, the gratuity paid under the Postage Act to masters of vessels.

Notwithstanding the considerable disproportion between the amount received for postage and that paid by this Colony on account of the mail service in question, the loss has been willingly borne in preference to adopting the alternative resolved upon by the Imperial authorities.

The tendency of all recent postal measures has been to increase, rather than diminish the facilities for communication, and especially in regard to correspondence so important as that with the Mother Country, any retrogressive step would appear to be inexpedient.

It has, therefore, been decided that the existing arrangements, which have been in force for the last 10 years with satisfaction and advantage to the public, should be maintained so far as they relate to correspondence originating in Victoria.

It is still hoped, however, that the Imperial Government has not finally decided on adopting the increased rates from the United Kingdom.

(signed) *James M'Culloch.*

General Post Office, Melbourne,  
23 April 1864.

— No. 4. —

(No. 21.)

COPY of a DESPATCH from Governor Sir *D. Daly*, to His Grace the Duke of Newcastle, K. G.

Government House, Adelaide,  
26 April 1864.

(Received, 13 June 1864.)

My Lord Duke,

HAVING brought under the consideration of my Council, your Grace's Circular Despatch of the 26th January, transmitting a letter from the Lords Commissioners of Her Majesty's Treasury, regarding the proposed increase of postage on letters from England to Australia, I have the honour to enclose a copy of the Minute which has been the result, together with the Report of the Provincial Postmaster General to which it refers.

It is my duty to assure your Grace that the increase of letter postage from England to this Colony is much deprecated by this community, and is strongly commented upon by the press, as your Grace will perceive by the newspaper extract enclosed.

I trust it may yet be possible for their Lordships to reconsider the matter.

I have, &c.

*D. Daly*, Governor.

Enclosure 1, in No. 4.

SOUTH AUSTRALIA.

COPY of a MINUTE of Executive Council of 25th April 1864.

Encl. 1, in No. 4.

Par. No. 2.—THE following Minute with reference to certain proposed changes in the present Postal arrangements is adopted by the Council.

*Minute.*—The Council have had under consideration the Despatch of his Grace the Duke of Newcastle, under date 26th January last, transmitting copy of a letter from the Lords Commissioners of Her Majesty's Treasury, stating that on and after the 1st July next, the postage on letters dispatched from England to the Australian Colonies and New Zealand, *via* Southampton, would be raised to 1s. the half-ounce letter, and *via* Marseilles, to 1s. 4*d.*, together with other minor changes; and that this course had been adopted by their Lordships, at the suggestion of the Postmaster-General, with a view to diminish the loss at present sustained in the conveyance of mails to the Australian Colonies.

The Council cannot help expressing their opinion, that in the consideration of matters connected with the Postal service between the United Kingdom and the Australian Colonies, the Lords Commissioners of Her Majesty's Treasury are disposed to think that the service is maintained solely for the benefit of the Australian Colonies, and that there-

fore they should bear its cost either by subsidies—not contemplated when the arrangement was first made—or by additional postage, as is now proposed.

Their Lordships can scarcely need to be informed, that the advantages of securing regular and speedy communication with the Australian Colonies are of equal, if not greater, importance to the inhabitants of the United Kingdom, as to the Australian colonists; for the latter, being large consumers of British goods, the payment for which is remitted in vast sums by every mail from Australia, it becomes a matter of the greatest consequence to the British exporter, whether such remittances arrive with celerity and regularity by steamers, or are subject to the delay and uncertainty which attend their transmission by sailing vessels; while it must not be forgotten that a large portion of the postage, both to and from Australia, is really paid by the importers of goods.

Under these circumstances, it appears to this Government that a trade of the magnitude which now exists between Great Britain and the Australian Colonies, is undoubtedly of sufficient value to the former to compensate for a loss on this particular branch of the Imperial Postal Revenue, which loss ought not to be met by increased postage rates, particularly when it is considered how costly the service is to this province, the general revenue of which is already charged with fifteen thousand pounds (15,000 L.) per annum, in excess of her proportional contribution to support it, in consequence of the geographical position of South Australia not being recognised. Nevertheless, the burthen is borne by the community in the belief that cheap, frequent, and speedy communication with Great Britain is beneficial to all classes.

The Council are also of opinion that the same rates of postage which obtained, when the postal contract was first entered into between Great Britain and the Australian Colonies, ought to continue during the contract; or should not be altered without the sanction of the Governments mutually interested therein.

It is only equitable that each contracting party should be consulted before a change is effected in the postage payable on letters dispatched either to, or through the United Kingdom, or to or through Australia; and it is doubtless with a view to obtain the sanction of the Government of South Australia to the proposed alteration, that his Grace the Duke of Newcastle has desired that his Despatch should be laid before the Council for their consideration.

The Council, however, after full deliberation on the subject, respectfully decline to assent to any alteration which may have the effect of increasing the rates of postage; for, notwithstanding the results quoted by their Lordships respecting the effect of increased postage between England and the West Indies, and the Cape of Good Hope and Natal, the Council do not consider that the experience referred to is conclusive that similar results would be produced by the proposed increase of postage to the Australian Colonies, whose inhabitants are so widely different from the population of the places named by their Lordships; but they believe that, so far as this province is concerned, an increased rate would have the effect of greatly diminishing the correspondence with Great Britain.

The Council concur in a report of the Provincial Postmaster-General, on the Despatch under consideration, and herewith transmitted.

(Certified a true copy).

*Samuel Deering,*  
Clerk of Executive Council.

25 April 1864.

2 March 1864.

#### Enclosure 2, in No. 4.

Encl. 2, in No. 4.

(312-64.)

Sir,

General Post Office, Adelaide, 22 March 1864.

I HAVE the honour to return the Circular Despatch of His Grace the Duke of Newcastle, K. G., covering letter from the Lords Commissioners of Her Majesty's Treasury, stating that on and after the 1st July next the postage upon letters dispatched from the United Kingdom to the Australian Colonies, per overland route, will be increased from 6 d. to 1 s. the half ounce, while upon those forwarded per private ships, the postage will be reduced to 4 d. the half ounce.

Upon this communication I have the honour to report as follows:—

1st. The total estimated postage upon letters forwarded by the contract packets during the year ended 30th June 1863, was as follows:—

|                                                                | £.       | s. | d. |
|----------------------------------------------------------------|----------|----|----|
| To the United Kingdom - - - - -                                | 3,090    | 4  | 2  |
| To intermediate places (excepting Western Australia) - - - - - | 175      | 3  | -  |
|                                                                | £. 3,265 | 7  | 2  |

Were the rates altered in accordance with the plan adopted by the Home Office, I think that an increase of one-third of that amount may be looked for: more than this, I do not think it would be safe to estimate, as the difference between 4 d. the half-ounce per private ship, and 1 s. per packet, would be so great as to induce a very large number of the working classes and persons not engaged in business to adopt the cheaper route, and in case of well-known



known fast traders sailing for the United Kingdom, I have no doubt that even mercantile houses would forward heavy packages by them.

2d. The rates of postage, being fixed by the 7th clause of the Post Office Act, could not be altered without fresh legislation.

3d. I cannot say that I am in favour of increasing the rates, for, as the cost of the contract mail service is defrayed out of the general revenue, I think it should be made as generally beneficial as it possibly can be, and that nothing should be done which would tend in any way to exclude any class from the full advantages of it.

4th. Under a similar arrangement to that of the Home Government, the number of letters conveyed by private ships will doubtless be greatly increased; but, as the rate of postage would be reduced one-third, the increase of revenue could not be great.

5th. In conclusion, I would most respectfully draw your attention to the fact, that the Lords Commissioners of Her Majesty's Treasury have recognized the right of these Colonies to adopt such rates of postage as they may think proper, while the London Office objects to any assertion of our right to transmit packets at any rate we please, so long as we send nothing that can, by any possibility, injure the other contents of the mails, or that is of inconvenient bulk, or exceeds the weight fixed upon by the London postal authorities.

The Honourable the  
Chief Secretary.

I have, &c.  
(signed) J. W. Lewis,  
Postmaster General.

#### Enclosure 3, in No. 4.

EXTRACT from "South Australian Register," April 1864.

Encl. 3, in No. 4.

#### BRITISH POSTAGE.

AN important Circular from the Duke of Newcastle to his Excellency the Governor-in-Chief is published in the "Government Gazette" of March 24. From that Circular it appears that on and after the 1st July next the postage on letters dispatched from England to the Australian Colonies and New Zealand, *via* Southampton, will be raised to one shilling the half-ounce letters, and *via* Marseilles to one shilling and fourpence. His Excellency is requested to lay this communication before his Responsible Advisers for their consideration, and also in order that these changes may become publicly known. Appended to the Duke of Newcastle's Circular there is a letter from the Lords Commissioners of Her Majesty's Treasury, signed by Mr. F. Peel, the Secretary, giving the reasons which have led to this contemplated rise in the postage of English letters. The movement came originally from the Postmaster-General, who has hit upon the happy scheme "with a view to diminish the loss at present sustained in this service;" and it appears that "my Lords" of the Treasury concur with "His Lordship" of the Post-office in opinion that steps should be taken for this purpose.

It seems that the proposal is not a new one. The increase from sixpence to one shilling has already been adopted on letters from England to the West Indies, the Cape of Good Hope, and Natal; and it is said that the increase in the rate of postage has to a large extent diminished the amount of subsidy paid by the Imperial Government for this service. In fact, the postage between England and the Cape, instead of requiring a large subsidy, is now self-supporting; while the loss sustained in the service to and from the West Indies has been greatly reduced, very little diminution of correspondence having followed the increase in the rate of postage. Having tried this new arrangement with such marked success in relation to the places specified, the Lords of the Treasury have reason to believe "that similarly satisfactory results would attend an augmentation in the rate of postage on letters to the Australian Colonies and New Zealand." The Duke of Newcastle, therefore, is requested to inform the Governments of these Colonies that on the 1st July next the postage on all English letters *via* Southampton will be raised to one shilling. Still, however, their Lordships can be considerate towards the poorer classes of emigrants, and for their special relief the postage on letters conveyed by private ship will be reduced to fourpence the half-ounce letter. This, then, is the conclusion to which Her Majesty's Government have come. The fiat has gone forth, and the rate of postage is doubled.

We imagine that the first thought which will occur to many of our readers on learning this resolution of the Home Government, and the manner in which it has been communicated, will be that we, in these Colonies, have been treated in a very arbitrary manner. We are not asked whether we have any objection to the new arrangement, or, indeed, whether we have anything to say on the question at all. Though the present postal arrangements between Great Britain and the Australian Colonies are the subject of a compact in which the Imperial Government pay one-half of the subsidy, and the Colonies among them the other half, we are treated in this Despatch as if we had nothing to do with the matter. We are not even consulted. "My Lords" in Downing-street have, with one stroke of the pen, doubled the charge on letters from England, and the Duke of Newcastle is requested to inform the Governments of the respective Colonies of the fact. We are not aware that Her Majesty's Secretary for the Colonies has ever shown any disposition to sarcasm or irony in his communications with these distant dependencies, and therefore we confess we are somewhat at a loss to understand what His Grace means when he requests the Governor to lay his communication before his responsible advisers "for their consideration."

The thing is done in London without any consultation with or reference to the Colonies, and yet the local Governments are to receive the news for their consideration. Does the Duke of Newcastle really intend to poke fun at Colonial Executives? He asks us to consider a question which the Imperial Government have already settled. And we may ask, for what purpose are we to consider it. The new arrangement is made in the most arbitrary way; we are told it comes into force on a given day; and then we are coolly requested to consider it.

But this is not all. "My Lords further request that the Duke of Newcastle will, in making this communication to the Governors of the respective Colonies, observe to them that each Colony will be at liberty to alter, to such extent as it may think proper, the postage on letters dispatched to or through the United Kingdom." The English Government may, it seems, without reference to us, double the postage on letters to this Colony, but we may not, without permission accorded from them, make any alteration in our rates of postage home. If that is not the meaning of the passage we have quoted, then the permission which is granted is a simple impertinence. Now, we submit that this is not the way in which the Imperial authorities ought to treat these Colonies. The present postal system of communication between Great Britain and the Australian Colonies is the result of a mutual arrangement, with the district understanding that the postage rate on letters under half-an-ounce, *via* Southampton, shall be 6 *d.* each way. It is difficult, therefore, to understand why Her Majesty's Government should of their own accord, and by their own arbitrary act, alter this arrangement without allowing the Colonies at least to express an opinion on the matter. Suppose we had doubled the rate of postage, hence to England, and His Excellency had written to inform the Duke of Newcastle of the fact, with a request that he would bring the matter under the notice of the Government "for their consideration," would we not have been promptly informed, as we have been on former occasions, that the postal system is the subject of a mutual arrangement, and that in increasing our rates without reference to the other party in the compact we were exceeding our powers? And this, we hope, is the tone which, with all due respect, our Government will hold to the Duke of Newcastle and the Lords of the Treasury in answering this Despatch. If we have entered into a compact which is binding on each side, we ought not to allow the Imperial Government, because it is the strongest, to set aside that compact by an arbitrary act of its own, without at least strongly protesting against it.

The question is one on which we suggest all the Colonies should take united action. It is of great importance to us that communication with the Mother Country should be facile and inexpensive. It would neither be for our interest nor for that of people in England to make the rate of postage so high as to check in any way the regular communication which ought to subsist between us and them. Nor do we believe, in spite of what is said respecting the new arrangement with the West Indies and South African colonies, that the doubling of the postage will to any great extent reduce the cost of the service to the Home Government. No small amount of the postal revenue from these Colonies comes from letters written by poor persons in England to their relatives here. The new arrangement, if carried out, will do one of two things, either it will reduce the number of such letters, or it will send them by private ships; and in either case the revenue will suffer. However, many letters may come by private vessels, the present expensive route will have to be kept up; and the double postage, by reducing the number of letters which will be sent, or diverting them into another channel of transit, will lessen the amount of revenue, as far as the regular service is concerned. We are persuaded that if the noble Postmaster-General expects to keep up the present number of letters while the postage is doubled he will find out his mistake.

We should be very sorry if our Government were to follow the example of the Imperial authorities in this matter, and attempt to double or even to increase the present rate of postage on letters for England. It would be bad policy, for the sake of a small problematical gain, to tax unduly the correspondence of the Colony with the Mother Country. It ought always to be borne in mind that high charges produce a limited demand, and that to make a thing popular it should be cheap. This has been especially true with reference to the Post Office; the penny postage in England, though for a time it caused a loss to the revenue, immediately increased the amount of correspondence; and while in the course of a few years the service paid itself, the gain to the community was immense. Our efforts, therefore, ought always to be to keep the postage rate down to the minimum, and any attempt to increase it would be a great mistake. But we have no fear of this. We do not believe that any Government would be supported by the country who would attempt to raise the rate of postage. We are confident, then, that whatever the Home Government may do, our rulers here have too deep a sense of the importance of keeping up a regular and frequent communication with England to propose throwing any obstacles in the way of that communication. And with respect to the Duke of Newcastle's Despatch, we hope our Government will by the next mail send home an earnest remonstrance against the proposed change, and that the Governments of the other Colonies will do the same. England will have to learn that it is too late in the day to treat the powerful and influential Colonies, which are growing up in her distant dependencies, merely as children. We shall have to be approached more on a footing of equality, having rights which must be recognised; and on questions which nearly affect our interests we must at least be consulted.



— No. 5. —

(No. 32.)

COPY of a DESPATCH from Governor *Hampton* to His Grace the Duke of  
*Newcastle, K.G.*

No. 5.

Governor Hamp-  
ton to the Duke  
of Newcastle, K.G.  
21 March 1864.

Government House, Perth, 21 March 1864.

(Received, 17 May 1864.)

My Lord Duke,

I HAVE the honour to acknowledge the receipt of your Grace's Circular Despatch of the 26th January last, informing me that on and after the 1st of July next certain alterations will be made in the rates of postage on letters forwarded from England to the Australian Colonies. I have taken steps to give full publicity to this change.

2. With reference to the instructions contained in the last paragraph of your Grace's Despatch, my Executive Council have unanimously advised that no change be made here in the rates chargeable on letters despatched to or through the United Kingdom, and the existing scale will accordingly be retained.

3. I may add that in this Colony the poorer classes have very seldom the opportunity of sending their correspondence to England by private ships, as, on an average, not more than about three vessels sail for the United Kingdom direct in the course of the year.

I have, &amp;c.

(signed) *J. S. Hampton*, Governor.

POSTAGE (AUSTRALIA).

COPY of all CORRESPONDENCE OF MEMORIALS  
from the AUSTRALIAN COLONIES, with re-  
ference to the proposed INCREASE of the RATE  
of POSTAGE upon LETTERS between this  
Country and *Australia*.

(*Lord Alfred Churchill.*)

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*Ordered, by The House of Commons, to be Printed,  
1 July 1864.*

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# POSTAGE (AUSTRALIA AND NEW ZEALAND).

RETURN to an Order of the Honourable The House of Commons,  
dated 24 June 1864;—for,

RETURN “ of the Number of LETTERS and of NEWSPAPERS, which have been forwarded to and received from the *Australian Colonies* and *New Zealand*, in each of the Months in which such Accounts may have been kept, since the present CONTRACT with the PENINSULAR and ORIENTAL STEAM BOAT COMPANY, for the Conveyance of MAILS, has been in existence.”

General Post Office,  
11 July 1864. }

J. TILLEY,  
Secretary.

RETURN of the Number of LETTERS, NEWSPAPERS, and BOOK PACKETS, which have been forwarded to and received from the *Australian Colonies* and *New Zealand*, in each of the Months in which Accounts have been kept since the present CONTRACT with the PENINSULAR and ORIENTAL STEAM BOAT COMPANY, for the Conveyance of MAILS, has been in existence.

## Via SOUTHAMPTON.

| OUTWARD.     |          |             |               | INWARD.      |          |             |               |
|--------------|----------|-------------|---------------|--------------|----------|-------------|---------------|
| Date.        | Letters. | Newspapers. | Book Packets. | Date.        | Letters. | Newspapers. | Book Packets. |
| Oct. 1861 -  | 64,173   | 144,977     | 2,920         | Nov. 1861 -  | 80,001   | 97,846      | 364           |
| Nov. 1861 -  | 74,919   | 155,310     | 3,588         | Dec. 1861 -  | 81,451   | 97,609      | 706           |
| Mar. 1862 -  | 62,979   | 132,676     | 4,432         | Feb. 1862 -  | 77,609   | 101,372     | 847           |
| May 1862 -   | 62,532   | 148,439     | 3,670         | May 1862 -   | 78,258   | 93,136      | 703           |
| Sept. 1862 - | 75,187   | 143,386     | 4,165         | Sept. 1862 - | 90,262   | 96,714      | 1,936         |
| Mar. 1863 -  | 64,623   | 155,746     | 4,396         | Mar. 1863 -  | 86,686   | 99,497      | 1,085         |
| May 1863 -   | 64,714   | 149,614     | 5,142         | July 1863 -  | 95,324   | 118,504     | 587           |
| Sept. 1863 - | 72,833   | 155,012     | 3,579         | Sept. 1863 - | 92,687   | 109,346     | 1,893         |

## Via MARSEILLES.

| OUTWARD.     |          |             |               | INWARD.      |          |             |               |
|--------------|----------|-------------|---------------|--------------|----------|-------------|---------------|
| Date.        | Letters. | Newspapers. | Book Packets. | Date.        | Letters. | Newspapers. | Book Packets. |
| Oct. 1861 -  | 30,118   | 24,656      | 269           | Nov. 1861 -  | 16,319   | 4,084       | 107           |
| Nov. 1861 -  | 28,803   | 23,529      | 454           | Dec. 1861 -  | 18,116   | 4,148       | 108           |
| Mar. 1862 -  | 30,000   | 24,155      | 526           | Feb. 1862 -  | 19,087   | 8,378       | 103           |
| May 1862 -   | 28,326   | 26,021      | 390           | May 1862 -   | 19,777   | 6,967       | 109           |
| Sept. 1862 - | 31,191   | 26,509      | 526           | Sept. 1862 - | 19,263   | 7,286       | 130           |
| Mar. 1863 -  | 30,267   | 39,786      | 667           | Mar. 1863 -  | 20,647   | 10,492      | 94            |
| May 1863 -   | 32,975   | 28,293      | 444           | July 1863 -  | 21,084   | 11,104      | 98            |
| Sept. 1863 - | 42,194   | 30,476      | 710           | Sept. 1863 - | 20,827   | 6,791       | 114           |

Foreign Branch, C. D. }  
July 1864. }

Thos. Boucher.

POSTAGE (AUSTRALIA AND NEW ZEALAND).

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RETURN of the Number of LETTERS and of NEWSPAPERS which have been forwarded to and received from the *Australian Colonies and New Zealand* in each of the Months in which such Accounts may have been kept, since the present CONTRACT with the PENINSULAR and ORIENTAL STEAM BOAT COMPANY, for the Conveyance of MAILS, has been in existence.

(*Lord Alfred Churchill.*)

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*Ordered, by The House of Commons, to be Printed,  
12 July 1864.*

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POSTAGE (AUSTRALIA).

---

RETURN to an Order of the Honourable The House of Commons,  
dated 8 July 1864;—for,

A COPY “of the Duke of *Argyll*’s LETTER to the Treasury, dated the 23d day  
of September 1856, having reference to the Compulsory PRE-PAYMENT of  
LETTERS to *Australia*.”

---

Treasury Chambers, }  
11 July 1864. }

F. P E E L.

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To the Right Honourable the Lords Commissioners of Her Majesty’s  
Treasury.

My Lords,

WITH reference to Mr. Arbuthnot’s letter of the 15th instant, informing me,  
in reply to the inquiry which I addressed to your Lordships on the 3d instant,  
that you were of opinion that, on every account, as well for the greater practi-  
cability of the arrangement proposed to be made with the Australian Colonies,  
as for the better dispatch of business, it was desirable that a system of compulsory  
pre-payment of postage on either side should be established, when the new con-  
tract for the service of the Australian Mails comes into operation, and requesting  
me to take the necessary steps for giving effect to that rule, I have the honour to  
state that I will lose no time in communicating with the Australian Post Offices  
on this subject, for the purpose of arranging the details of this measure.

Upon the commencement of the new mail service, pre-payment of postage will  
be strictly enforced in respect to all letters posted in the United Kingdom,  
addressed to *Australia*.

Numerous instances will, however arise, in which the amount of postage paid  
in the United Kingdom upon letters for *Australia*, as well as in the Australian  
Colonies, upon letters for the United Kingdom, will be less than that to which  
the letters are liable, and it will be desirable to come to some arrangement  
with the Colonies with regard to the treatment of such letters.

The simplest mode that can be adopted, will be to treat such letters precisely  
as packets sent under the regulations of the Colonial Book Post, when insuffi-  
ciently pre-paid, are treated; that is, to detain the letters and send them to the  
Returned Letter Office, if less than a single rate of postage be pre-paid; but, in  
all cases where at least a single rate has been so pre-paid, to send the letters for-  
ward, charged with an amount of postage equal to the deficiency, together with  
an entire additional British rate of 6 *d.* as a fine.

Such a regulation need not involve the necessity for any accounts, as each  
office may be allowed to retain the amount collected upon insufficiently paid  
letters sent to it for delivery; and in that case I would recommend that each  
office should, in like manner, retain hereafter the whole amount collected upon  
the delivery of insufficiently paid books, so as to render the accounts to which  
such packets now give rise, no longer necessary.

As the proposed course, however, will be at variance with the agreement made  
with the Australian Colonies, on the establishment of the 6 *d.* rate, it will be neces-  
sary that it should receive the assent of the several Colonial Governments before  
being adopted, and I would suggest, therefore, that if my proposal meets with your  
Lordships’ concurrence, you should request Mr. Secretary Labouchere to com-  
municate accordingly with the Governments of the Colonies concerned.

I have, &c.

General Post Office, 23 September 1856.

(signed) *Argyll*.

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POSTAGE (AUSTRALIA).

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COPY of the Duke of Argyll's Letter to the Treasury, dated the 23d September 1856, having reference to the compulsory PRE-PAYMENT of LETTERS to Australia.

(Lord Alfred Churchill.)

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*Ordered, by The House of Commons, to be Printed,  
12 July 1864.*

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TRANSPORTATION.

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COPIES OR EXTRACTS

OF

DESPATCHES LATELY RECEIVED FROM THE GOVERNORS  
OF THE AUSTRALIAN COLONIES.

WITH

PETITIONS AGAINST THE CONTINUANCE OF  
TRANSPORTATION.

---

Presented to both Houses of Parliament by Command of Her Majesty.  
*June 1864.*

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LONDON:

PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,  
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.  
FOR HER MAJESTY'S STATIONERY OFFICE.

1864.

## SCHEDULE.

|                  |                                                                              |       |       |                           |
|------------------|------------------------------------------------------------------------------|-------|-------|---------------------------|
| VICTORIA.        |                                                                              |       |       |                           |
| 1                | Governor Sir Chas. Darling, K.C.B., to his Grace the Duke of Newcastle, K.G. | -     | -     | No. 32, 24 December 1863. |
| 2                | Ditto                                                                        | ditto | ditto | No. 23, 19 March 1864.    |
| SOUTH AUSTRALIA. |                                                                              |       |       |                           |
| 3                | Governor Sir D. Daly to his Grace the Duke of Newcastle, K.G.                |       |       | No. 8, 25 February 1864.  |
| 4                | Ditto                                                                        | ditto | ditto | No. 11, 23 March 1864.    |
| 5                | Ditto                                                                        | ditto | ditto | No. 14, 24 March 1864.    |



## COPIES OR EXTRACTS

OF

DESPATCHES lately received from the GOVERNORS of the AUSTRALIAN COLONIES,  
with PETITIONS against the CONTINUANCE of TRANSPORTATION.

## VICTORIA.

No. 1.\*

VICTORIA.

No. 1.

COPY of a DESPATCH from Governor Sir CHARLES DARLING, K.C.B., to his Grace  
the Duke of NEWCASTLE, K.G.

(No. 32.)

Government Offices, Melbourne, December 24, 1863.

(Received February 18, 1864.)

MY LORD DUKE,

WITH reference to my previous Despatch No. 27† of the 24th November, I have now the honour to forward herewith Petitions to Her Majesty the Queen from the public bodies described in the Schedule annexed to this Despatch, all deprecating the resumption or increase of transportation to Australia. I have respectfully to request that your Grace will cause these petitions to be laid at the foot of the Throne.

†Vide Papers  
presented on  
Convict Dis-  
cipline, Feb.  
1864, page 61.

Encl. No. 1.

Encl. No. 2.

Encl. No. 3.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,

(Signed) C. H. DARLING.

&amp;c.

&amp;c.

&amp;c.

Enclosure 1 in No. 1.

Encl. 1 in No. 1.

TO HER MOST GRACIOUS MAJESTY THE QUEEN.

MAY IT PLEASE YOUR MAJESTY,

WE, your Majesty's loyal subjects, most earnestly pray that the following resolutions, passed at a public meeting held at Rushworth, in the Colony of Victoria, may be taken under your Majesty's most serious consideration, fully believing that the resumption of transportation to Western Australia would force the enactment of laws more stringent than already exist upon our Legislature for the protection of your Majesty's loyal subjects of this Colony.

1st. "That this meeting, having heard with the greatest astonishment and regret that the Commissioners appointed by the home Government to inquire into the system of secondary punishments have recommended 'that all male convicts not physically incapacitated should be sent to Western Australia,' deeply deplore the result of their deliberations, and further express their opinion that the revival of transportation to Western Australia will most seriously affect all the Australian Colonies, socially, politically, and morally."

2nd. "That this meeting, knowing from past experience that expirees and ticket-of-leave holders have, although debarred by the most stringent laws, found their way to this Colony from Western Australia, considers that by making a penal settlement of that Colony, the home Government are virtually forcing upon us, for their own protection, a class of criminals with whom they, with all the experience of modern civilization, are powerless to contend against."

3rd. "That a petition to the Queen, embodying the foregoing resolutions, be prepared and forwarded through Mr. McGregor, M.L.A., to the Governor, for transmission to Her Majesty."

4th. "That the Chairman sign for and on behalf of this meeting and the inhabitants of the district generally."

We therefore humbly pray that your Majesty will never sanction the adoption of such a system so pernicious and prejudicial to the best interests of the Colonies generally.

And your memorialists, as in duty bound, will ever pray.

(Signed) WOLTON WIGG,  
Chairman.

\* This is a Despatch prior to the receipt of the decision of Her Majesty's Government.

VICTORIA.

Enclosure 2 in No. 1.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Encl. 2 in No. 1.

MAY IT PLEASE YOUR MAJESTY,

WE, the Mayor, Councillors, and Burgesses of the Borough of Heathcote, in the Colony of Victoria, your dutiful and loyal subjects, beg leave to approach your Majesty with assurances of our loyalty and affection.

We desire to make known to your Majesty that we have heard with surprise and alarm that the Commissioners appointed by your Majesty to inquire into the system of secondary punishment and prison discipline in the United Kingdom, have recommended that all male convicts who are not disqualified for removal to a Colony should be sent to Western Australia during the latter part of their punishment.

The recollection of the frightful and atrocious crimes committed by convicts from the adjacent Colonies, who from time to time appeared amongst us after the first discovery of our gold fields, is yet too fresh in our memories to permit us to refrain from expressing our repugnance to the course suggested by the Royal Commissioners, and our determination, for the welfare of ourselves and families, to oppose by all lawful means the inundation of this Colony by the worst class of criminals, who have created so much terror throughout the United Kingdom.

Did your Majesty know how difficult it is to prevent the escape of criminals even from Western Australia, we are convinced the deep interest felt by your Majesty in all your Majesty's subjects, wherever residing, would discountenance a step being taken to relieve one portion of your subjects only by inflicting greater evils upon another.

We therefore humbly pray that your Majesty will be graciously pleased to refuse your Royal sanction to the adoption of the recommendation of your Majesty's Commissioners.

And we, as in duty bound, will ever pray.

(Signed) CHARLES ROBINSON, Mayor.

December 1863.

On behalf of the Council and Burgesses of Heathcote.

Encl. 3 in No. 1.

Enclosure 3 in No. 1.

Newstead, Victoria, Australia, October 10, 1863.

TO HER MOST GRACIOUS MAJESTY, VICTORIA, QUEEN OF GREAT BRITAIN, AUSTRALIAS, &c.  
MAY IT PLEASE YOUR MAJESTY,

THE humble petition of your Majesty's most loyal and faithful subjects resident in the Road District of Newstead, in the Colony of Victoria, most humbly sheweth,—

That it is with the greatest grief and alarm that your Majesty's petitioners have learned that the Commissioners appointed by your Majesty to inquire into the matter of secondary punishments have recommended the exportation of certain convicts to Western Australia.

That your petitioners being animated by the same feelings on the matter as those expressed by the citizens of the city of Melbourne in a petition to your Majesty, do most heartily acquiesce with them in their petition, and would most humbly beg your Majesty to consider the prayer of this petition as being identical with that sent from Melbourne.

That your petitioners represent a district of one hundred square miles in the interior of this Colony, and now in public meeting assembled do authorize the Chairman of the Road Board to sign this petition on their behalf.

(Signed) ANDREW KIRWAN,  
Chairman, Newstead Road Board.

No. 2.

No. 2.

COPY of a DESPATCH from Governor Sir CHARLES DARLING, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 23.)

Government Offices, Melbourne, March 19, 1864.

(Received May 17, 1864.)

MY LORD DUKE,

HAVING communicated to the Legislative Chambers your Grace's Despatch of the 26th January last,\* on the subject of the transportation of criminals to Western Australia, resolutions were unanimously adopted both in the Council and Assembly which I have been requested by Addresses from both of those bodies to transmit to the Right Hon. the Secretary of State for the Colonies, and which I have accordingly the honour to forward to your Grace herewith.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) C. H. DARLING.

\*Vide Papers presented Feb. 1864, page 38.  
Encl. No. 1.  
Leg. Council.  
Encl. No. 2.  
Leg. Assembly.



Enclosure 1 in No. 2.

VICTORIA.

Encl. 1 in No. 2.

12. TRANSPORTATION.—Mr. McCulloch moved, pursuant to notice, That as the despatch from his Grace the Duke of Newcastle to his Excellency the Governor Sir Charles Henry Darling, dated 26th January 1864, on the subject of transportation of criminals to the Australian Colonies, states the determination of the Imperial Government to continue to send convicts, to a limited extent, to the Colony of Western Australia, it is resolved by this House :—

(1.) That while we desire to acknowledge the consideration which has been paid by Her Majesty's Government to the remonstrances of the people and Parliament of Victoria against the continuance of transportation to Western Australia, we learn with deep regret the determination of Her Majesty's Government to maintain the existing system, by which upwards of 500 convicts will be sent annually, for an indefinite period, from the United Kingdom to the shores of Australia; and we earnestly protest against that determination.

(2.) That while we disclaim any general right to dictate to Her Majesty's Government what shall or shall not be done throughout the whole of Australia by the Government of the mother country, we insist upon our right to press upon the attention of Her Majesty's advisers the injurious effects to this Colony of the policy upon this question adopted and persevered in by the British Government.

(3.) That we deny the right of the Colonists of Western Australia to calculate upon the continuance of the policy which was initiated as an experiment a few years ago, and which has produced effects of a mischievous nature to the subjects of Her Majesty in the other Colonies of Australia.

(4.) That while we earnestly desire that the loyalty and good will which have hitherto united the people of Victoria to the Crown and to the empire should continue unimpaired, we are constrained to record our belief, that so long as any convicts are transported from Great Britain to the shores of Australia, the feelings of attachment of the people of Victoria to the Crown will be mingled with a deep sense of unmerited wrong inflicted upon this Colony by the advisers of Her Majesty.

(5.) That an address be presented to his Excellency the Governor, requesting that he will be pleased to forward the foregoing resolutions to the Right Honourable the Secretary of State for the Colonies.

Enclosure 2 in No. 2.

Encl. 2 in No. 2.

TRANSPORTATION TO WESTERN AUSTRALIA.—The Honourable M. Hervey, with leave of the Council, moved, without notice :—

I. That, as the despatch from his Grace the Duke of Newcastle to his Excellency the Governor Sir Charles Henry Darling, dated 26th January 1864, on the subject of transportation of criminals to the Australian Colonies, states the determination of the Imperial Government to continue to send convicts to a limited extent to the Colony of Western Australia, it is resolved by this House :—

(1.) That, while we desire to acknowledge the consideration which has been paid by Her Majesty's Government to the remonstrances of the people and Parliament of Victoria against the continuance of transportation to Western Australia, we learn with deep regret the determination of Her Majesty's Government to maintain the existing system, by which upwards of 500 convicts will be sent annually for an indefinite period from the United Kingdom to the shores of Australia; and we earnestly protest against that determination.

(2.) That, while we disclaim any general right to dictate to Her Majesty's Government what shall or shall not be done throughout the whole of Australia by the Government of the mother country, we insist upon our right to press upon the attention of Her Majesty's advisers the injurious effects to this Colony of the policy upon this question adopted and persevered in by the British Government.

(3.) That we deny the right of the Colonists of Western Australia to calculate upon the continuance of the policy which was initiated as an experiment a few years ago, and which has produced effects of a mischievous nature to the subjects of Her Majesty in the other Colonies of Australia.

(4.) That, while we earnestly desire that the loyalty and good will which have hitherto united the people of Victoria to the Crown and to the empire should continue unimpaired, we are constrained to record our belief, that so long as any convicts are transported from Great Britain to the shores of Australia, the feelings of attachment of the people of Victoria to the Crown will be mingled with a deep sense of unmerited wrong inflicted upon this Colony by the advisers of Her Majesty.

2. And that an address embodying the foregoing resolutions be presented to his Excellency for transmission to the Right Honourable the Secretary of State for the Colonies.

## SOUTH AUSTRALIA.

SOUTH  
AUSTRALIA.

No. 3.

No. 3.

COPY of a DESPATCH from Governor Sir D. DALY to his Grace the  
Duke of NEWCASTLE, K.G.

(No. 8.)

Government House, Adelaide, February 25, 1864.

(Received April 13, 1864.)

MY LORD DUKE,

THE Mayor of Adelaide has this day placed in my hands the accompanying  
Petition to the Queen on the subject of transportation to Western Australia, for the  
purpose of transmission to your Grace, with the request that it may be laid at the foot of  
the Throne

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) D. DALY,  
Governor.

Encl. in No. 3.

Enclosure in No. 3.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,

WE, the Mayor, Council, and Citizens of the city of Adelaide, and other Colonists of the  
Province of South Australia, approach your Majesty with the strongest feelings of attachment to your  
Majesty's Throne and Person.

We desire to represent to your Majesty that the intention of your Majesty's Government to continue  
the transportation of criminals to Western Australia is viewed by the inhabitants of this Province, in  
common with those of the other Australian Colonies, with the utmost anxiety and alarm.

We beg to represent to your Majesty that transportation to Western Australia is practically trans-  
portation to this Province as well as to Victoria and New South Wales, the proximity of Western  
Australia to this and the neighbouring Colonies, but especially to South Australia, enabling convicts  
whose sentences have expired, as also escaped convicts, to proceed with little difficulty to the free  
settlements.

We desire to represent to your Majesty that on the establishment of South Australia as a British  
Province, the Imperial Parliament provided that no person convicted of crime in any Court of Justice  
in the British dominions should under any circumstances be transported as a convict to this Colony;  
that this provision has been literally carried out, although transportation to Western Australia affords  
means, as above set forth, for evading so excellent and wise a provision.

That the question of transportation to Western Australia is a momentous one to this and the  
adjoining Colonies, your Majesty will have perceived from addresses forwarded to your Majesty from  
the Parliaments of New South Wales, Victoria, South Australia, and Tasmania, also from the delegates  
of an intercolonial conference appointed by the several Governments, and the wishes of the residents of  
the several Colonies expressed through their representatives.

We also humbly represent to your Majesty that the desire of Western Australia to cover the  
deficiency of natural resources by a considerable annual outlay from the Imperial Treasury is not a  
sufficient reason for converting that Colony into an extensive penal settlement to the detriment of its  
neighbour Colonies.

That the proposal annually to send from Great Britain to Western Australia 530 convicted  
persons, instead of the number recommended by the Commission appointed by your Majesty to inquire  
into the operation of Acts relating to transportation and penal servitude, has not allayed the feeling so  
strongly felt on the subject by the Colonists generally; and your Petitioners firmly believe that the  
sending annually of such a number of convicted persons to Western Australia, inhabited as it is by a  
very small number of free settlers, is likely to lead to the ultimate disorganization of the convict settle-  
ment, and to the injury of this Colony and its free neighbours.

We would also represent to your Majesty the injustice of the mother country seeking to get rid of  
a portion of its criminal population at the expense of its dependencies, those dependencies paying a  
large sum annually for the importation of free immigrants from the United Kingdom; and further, this  
mode of dealing with criminals implies a desire on the part of England to solve a difficult question by  
imposing its solution on the several Australian Colonies.

We would further submit to your Majesty, that while transportation to Western Australia is a heavy  
burden on the parent country, it has no influence as a deterrent from crime, but rather operates as an  
incentive to it, inasmuch as the benefit to be derived by the criminal transported thereto is greater than  
the dread he has of the punishment to be inflicted.

We therefore implore your Majesty to refuse your royal sanction to any proposal for a continuance  
of transportation to Western Australia, or any other portion of your Majesty's Australian posses-  
sions, and we earnestly pray that your Majesty will be pleased to order and direct that transportation  
to Western Australia shall absolutely cease.

And your Petitioners, as in duty bound, will ever pray, &c.

(Signed) SAML. GOODE, Mayor, and others.



No. 4.

SOUTH  
AUSTRALIA.  
No. 4.

COPY of a DESPATCH from Governor Sir D. DALY to his Grace the Duke of NEWCASTLE, K.G.

(No. 11.) Government House, Adelaide, March 23, 1864.  
MY LORD DUKE, (Received May 13, 1864.)

THE Mayor of Port Adelaide placed in my hands, too late for transmission by the last mail steamer, the accompanying Petition\* on the subject of transportation to Western Australia, for the purpose of being forwarded to your Grace, with the request that it may be laid at the foot of the Throne.

His Grace the Duke of Newcastle, K.G., I have, &c.  
&c. &c. &c. (Signed) D. DALY,  
Governor.

No. 5.

No. 5.

COPY of a DESPATCH from Governor Sir D. DALY to his Grace the Duke of NEWCASTLE, K.G.

(No. 14.) Government House, Adelaide, March 24, 1864.  
MY LORD DUKE, (Received May 13, 1864.)

I HAVE the honour to transmit to your Grace, at the request of the Mayor of the town of Brighton, a Petition † on the subject of transportation to Western Australia, in order that it may be laid at the foot of the Throne.

His Grace the Duke of Newcastle, K.G., I have, &c.  
&c. &c. &c. (Signed) D. DALY,  
Governor.

\* Petition in the same terms as the one on preceding page. 538 Signatures are attached.

† The Petition forwarded in this Despatch is, verbatim, the same as that enclosed in the previous Despatch, and is therefore not reprinted. 402 signatures are attached.

LONDON :

Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty.  
For Her Majesty's Stationery Office.



CUSTOMS DUTIES (CANADA).

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RETURN to an Address of the Honourable The House of Commons,  
dated 5 May 1864;—for,

“ A COPY of any CORRESPONDENCE between the Colonial Office and the  
Authorities in *Canada*, on the subject of the Removal or Reduction of  
the DUTIES charged on BRITISH GOODS entering *Canada*.”

Colonial Office, }  
16 June 1864. }

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FREDERIC ROGERS.

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(*Mr. Aytoun.*)

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*Ordered, by The House of Commons, to be Printed,*  
*17 June 1864.*

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## SCHEDULE.

|   |                                                    |          |                   | Page. |
|---|----------------------------------------------------|----------|-------------------|-------|
| 1 | Sir Edmund Head, Bart., to Sir E. B. Lytton, Bart. | No. 40.  | 26 March 1859 -   | 3     |
| 2 | The Duke of Newcastle to Sir Edmund Head, Bart.    | No. 23.  | 13 August 1859 -  | 7     |
| 3 | Ditto - - - ditto - - -                            | No. 57.  | 5 November 1859 - | 9     |
| 4 | Sir Edmund Head, Bart., to the Duke of Newcastle.  | No. 118. | 11 November 1859  | 11    |
| 5 | The Duke of Newcastle to Sir Edmund Head, Bart.    | No. 8.   | 31 January 1860 - | 27    |
| 6 | Sir Edmund Head, Bart., to the Duke of Newcastle.  | No. 32.  | 11 April 1860 -   | 34    |



COPY of any CORRESPONDENCE between the Colonial Office and the Authorities in *Canada*, on the subject of the Removal or Reduction of the DUTIES charged on BRITISH GOODS entering *Canada*.

— No. 1. —

(No. 40).

COPY of a DESPATCH from Governor the Right Honourable Sir *Edmund Head*, Bart., to the Right Honourable Sir *E. B. Lytton*, Bart.

Government House, Toronto, C. W.,  
26 March 1859.

Sir,

I HAVE the honour to enclose a copy of the Tariff of Customs Duties which has been enacted by the Legislature of this Colony.

It is to be regretted that the necessity which exists for meeting the financial engagements of the Province, and the depression of last year, have compelled the Government to propose rates of duty so high as those imposed by the present Act.

I am aware of the objections which may be offered to the principle of "ad valorem" duties; but I must necessarily leave the representatives of the people in Parliament to adopt that mode of raising supplies which they believe to be most beneficial to their constituents. There is nothing in the system adopted which professes to impose differential duties, or to fetter the freedom of trade

I have, &c.

The Right Hon. Sir E. B. Lytton, Bart.,  
&c. &c. &c.

(signed) *Edmund Head*.

Enclosure in No. 1.

CAP. II.—An Act to amend the Act relating to Duties of Customs.

[Assented to 26th March 1859.]

WHEREAS it is expedient to amend the Tariff of Customs Duties now in force, in the manner hereinafter mentioned: therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. The Schedule to the Act passed in the 22d year of Her Majesty's reign, c. 76, intituled, "An Act to amend the Law relative to Duties of Customs and of Excise, and to impose new Duties; and a Duty on Tavern-keepers," containing the table of duties of Customs inwards, the table of exemptions, and the table of prohibitions, shall be repealed upon, from and after the day of the passing of this Act; except so much of the said Schedule as imposes or relates to the duties on sugar of any kind, or molasses, which shall remain in force until the 1st day of June 1859, and shall be repealed on that day, when the duties imposed on the said articles by the Schedule to this Act shall be levied; and except also, so much of the said Schedule as imposes or relates to the duties on green coffee and tea, which shall remain in force until the 1st day of January 1860, and shall be repealed on that day, when the duties imposed on the said articles by this Act shall be levied.

2. Subject to the exceptions in the next preceding section, in lieu and instead of the duties of customs imposed by the Schedule and Act first above mentioned, and of all other duties of customs upon goods, wares and merchandize imported into this province, there shall be raised, levied, collected and paid unto Her Majesty, Her heirs and successors, upon goods, wares and merchandize imported into this province, or taken out of warehouse for consumption therein, the several duties of customs respectively described, inserted and set forth in the Schedule to this Act annexed, intituled, "Table of Duties of Customs Inward"; and the articles enumerated or mentioned in the table in the said Schedule, intituled, "Table of Free Goods," may be imported or taken out of warehouse without payment of any duty of customs under this Act; and the articles enumerated or mentioned in the table in the said schedule, intituled, "Table of Prohibitions," shall not be

No. 1.

Governor the Right Hon. Sir Edmund Head, Bart., to the Right Hon. Sir E. B. Lytton, Bart.  
26 March 1859.

Enclosure in No. 1.

Preamble.

Schedule of duties under 22 Vict. c. 76, repealed.

Except those on sugar, until 1st June 1859.

And those on tea, until 1st January 1860.

Duties in the Schedule to this Act to be levied hereafter, except as aforesaid.

Free goods.

Prohibitions.

imported into this province, under the penalty therein mentioned, and if imported, shall be forfeited, and forthwith destroyed.

13 & 14 Vict. c. 6,  
not to be affected.

But this Act shall not affect the "Copyright Act," 13 & 14 Vict. c. 6, or any duty imposed under it.

Sect. 8 of 22 Vict.  
76, amended.

3. And in amendment of the eighth section of the Act above mentioned, it is enacted that the articles upon which, and the cases in which any drawback shall be payable under the said section, shall be those only upon and in which the Governor in Council shall, by the regulations to be from time to time made, declare such drawback to be payable.

Provisions of 10 &  
11 Vict. c. 31, and  
the Acts amending  
it, to apply.

4. The foregoing provisions of this Act, shall be construed as forming one law with the Act passed in the session held in the 10th and 11th years of Her Majesty's reign, c. 31, and intituled, "An Act for repealing and consolidating the present Duties of Customs in this province, and for other purposes therein mentioned," and the Acts amending the same, in so far as they are in force, and consistent with this Act; and all words and expressions used in this Act shall have the meaning assigned to them in the said Acts, and all the provisions of the said Acts with regard to the duties imposed by them, or the regulations to be made under them, shall apply to the duties imposed by this Act, and the regulations to be made under it, except in so far as they may be inconsistent with this Act.

And so of interpretation words.

## SCHEDULE.

### TABLE OF DUTIES OF CUSTOMS INWARDS.

The following Goods shall be chargeable with Duty, according to the Value thereof, at the Rates hereinafter mentioned.

| Goods paying 100 per cent.                                                                                                                                  | Duty per cent.<br><i>ad valorem.</i> | Goods paying 15 per cent. from 1st January<br>1860 to 31st December 1861, both days<br>inclusive,— | Duty per cent.<br><i>ad valorem.</i> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------------------------------------------------------------------------------------------------|--------------------------------------|
| Brandy - - - - -                                                                                                                                            | 100 per ct.                          | Goods paying 10 per cent. from 1st January<br>1862 to 31st December 1862, both days<br>inclusive,— |                                      |
| Gin - - - - -                                                                                                                                               |                                      | Goods paying 5 per cent. upon, from, and<br>after the 1st January 1863,—                           |                                      |
| Cordials - - - - -                                                                                                                                          |                                      | The present duties remain in force until the<br>end of the year 1859:                              |                                      |
| Rum - - - - -                                                                                                                                               |                                      | Coffee, green - - - - -                                                                            | 15 per cent.                         |
| Spirits and strong waters, including spirits<br>of wine, and alcohol, not being whisky -                                                                    |                                      | Tea - - - - -                                                                                      | 10    "                              |
| Goods paying 40 per cent. from 1st June<br>1859 to 30th June 1860, both days in-<br>clusive,—                                                               |                                      |                                                                                                    | 5    "                               |
| Goods paying 35 per cent. from 1st July<br>1860 to 30th June 1861, both days in-<br>clusive,—                                                               |                                      | Goods paying 30 per cent.                                                                          |                                      |
| Goods paying 25 per cent. from 1st July<br>1861 to 30th June 1862, both days in-<br>clusive,—                                                               |                                      | Almonds, walnuts, and filberts - - -                                                               | 30 per cent.                         |
| Goods paying 15 per cent. upon, from, and<br>after the 1st July 1862,—                                                                                      |                                      | Ginger, pimento, and pepper, ground -                                                              |                                      |
| The present duties remain in force until the<br>end of May 1859:                                                                                            |                                      | Mace, nutmegs, and cinnamon - - -                                                                  |                                      |
| Sugar, refined, whether in loaves or<br>lumps, candied, crushed, or in any<br>other form; white bastard sugar or<br>other sugar equal to refined in quality | 40 per cent.                         | Nuts of all kinds - - - - -                                                                        |                                      |
|                                                                                                                                                             | 35    "                              | Patent medicines and medicinal preparations<br>not elsewhere specified - - - - -                   |                                      |
| Goods paying 40 per cent.                                                                                                                                   | 25    "                              | Spices, ground - - - - -                                                                           |                                      |
| Cigars - - - - -                                                                                                                                            | 15    "                              | Snuff - - - - -                                                                                    |                                      |
| Goods paying 30 per cent. from 1st June<br>1859 to 30th June 1860, both days in-<br>clusive,—                                                               |                                      | Wine of all kinds - - - - -                                                                        |                                      |
| Goods paying 25 per cent. from 1st July<br>1860 to 30th June 1861, both days in-<br>clusive,—                                                               |                                      | Currants - - - - -                                                                                 |                                      |
| Goods paying 15 per cent. from 1st July<br>1861 to 30th June 1862, both days in-<br>clusive,—                                                               |                                      | Dried fruit - - - - -                                                                              |                                      |
| Goods paying 10 per cent. upon, from, and<br>after the 1st July 1862.                                                                                       |                                      | Figs - - - - -                                                                                     |                                      |
| The present duties remain in force until the<br>end of May 1859:                                                                                            |                                      | Coffee, ground or roasted - - - - -                                                                |                                      |
| Sugar, being neither refined, nor white<br>bastard, nor other sugar equal to re-<br>fined in quality - - - - -                                              | 30 per cent.                         | Blacking - - - - -                                                                                 |                                      |
| Molasses - - - - -                                                                                                                                          | 25    "                              | Tobacco, manufactured - - - - -                                                                    |                                      |
|                                                                                                                                                             | 15    "                              | Soap - - - - -                                                                                     |                                      |
|                                                                                                                                                             | 10    "                              | Starch - - - - -                                                                                   |                                      |
|                                                                                                                                                             |                                      | Ale, beer, and porter - - - - -                                                                    |                                      |
|                                                                                                                                                             |                                      | Goods paying 25 per cent.                                                                          |                                      |
|                                                                                                                                                             |                                      | Manufactures of Leather, viz.:<br>Boots and shoes - - - - -                                        | 25 per cent.                         |
|                                                                                                                                                             |                                      | Harness and saddlery - - - - -                                                                     |                                      |
|                                                                                                                                                             |                                      | Clothing or wearing apparel made by hand<br>or sewing machine - - - - -                            |                                      |
|                                                                                                                                                             |                                      | Goods paying 15 per cent.                                                                          |                                      |
|                                                                                                                                                             |                                      | Book, map, and news-printing paper - -                                                             | 15 per cent.                         |



## Goods paying 10 per cent.:

Anchors, 6 cwt. and under - - -  
 Books, printed; periodicals and pamphlets  
 not being reprints of British copyrights,  
 nor blank account books, or copy books,  
 or books to be written or drawn upon;  
 and excepting also Bibles, Testaments,  
 prayer-books, and devotional books - -  
 Brass in bars, rods, and sheets - - -  
 Brass or copper wire and wire cloth - -  
 Cameos or mosaics, real or imitation, when  
 set in gold, silver, and other metal - -  
 Canada plates, tinned plates, galvanized  
 iron, and sheet iron - - -  
 Copper, in bars, rods, bolts, or sheets - -  
 Silk twist, for hats, boots, and shoes - -  
 Iron, bar, rod, or hoop - - -  
 Iron, nail and spike rod - - -  
 Iron, hoop or tire, for driving wheels of lo-  
 comotives, bent and welded - - -  
 Iron, boiler plate - - -  
 Iron, railroad bars, wrought iron chairs, and  
 spikes - - -  
 Iron, rolled plate - - -  
 Iron wire - - -  
 Jewellery and watches - - -  
 Lead in sheet - - -  
 Maps, charts, and atlases - - -  
 Sails, ready made - - -  
 Spirits of turpentine - - -  
 Steel, wrought or cast - - -  
 Cotton candle wick, cotton yarn, and cotton  
 warp - - -  
 White lead, dry - - -  
 Plaster of Paris, ground and calcined - -  
 Hydraulic cement, ground and calcined - -  
 Red lead - - -  
 Litharge - - -  
 Phosphorus - - -  
 Medicinal roots - - -  
 Drain tiles for agricultural purposes - -  
 Engravings and prints - - -  
 Straw, Tuscan, and grass fancy plaits - -  
 Tin, granulated or bar - - -  
 Tubes and piping, of copper, brass, or iron,  
 when drawn - - -  
 Zinc or spelter, in sheet - - -  
 Locomotive and engine frames, cranks,  
 crank axles, railway car and locomotive  
 axles, piston rods, guide and slide bars,  
 crank pins, connecting rods, steamboat  
 and mill shafts and cranks, forged in the  
 rough - - -

## Goods paying 20 per cent.

All articles not hereinbefore enumerated as  
 charged with an *ad valorem* duty, or here-  
 inafter charged with a specific duty, or  
 declared free of duty, shall be chargeable  
 with a duty of 20 per cent. on the value  
 thereof - - -

## Goods paying Specific Duties.

Whisky of any strength not exceeding the  
 strength of proof by Sykes' hydrometer,  
 shall be chargeable with a duty of 18 cents.  
 per gallon, and so in proportion for any  
 greater strength or less quantity than a  
 gallon - - -

## TABLE of Free Goods.

Acids of every description, except vinegar -  
 Agricultural Societies—Seeds of all kinds,  
 farming utensils, and implements of hus-  
 bandry, when specially imported by, for  
 the encouragement of agriculture - -  
 Alum - - -

Duty per cent.  
*ad valorem*

## TABLE of Free Goods—continued.

Anatomical preparations - - -  
 Anchors, over 6 cwt. - - -  
 Animals of all kinds - - -  
 Antimony - - -  
 Antiquities, collections of - - -  
 Apparel, wearing, and other personal effects,  
 and implements of husbandry (not mer-  
 chandise) in actual use of persons coming  
 to settle in the province, and accompan-  
 ying the owner - - -  
 Apparel, wearing, of British subjects dying  
 abroad - - -  
 Argol - - -  
 Arms for the Army or Navy and Indian  
 nations, provided the duty otherwise pay-  
 able thereon would be paid or borne by  
 the Treasury of the United Kingdom, or  
 of the province - - -  
 Ash, pot, pearl, and soda - - -  
 Bark, tanners' - - -  
 Bark, used solely in dyeing - - -  
 Barley, except pot and pearl - - -  
 Barley meal - - -  
 Beans - - -  
 Bean meal - - -  
 Bear and bigg - - -  
 Bear and bigg meal - - -  
 Berries, used solely in dyeing - - -  
 Bibles, Testaments, Prayer Books, and de-  
 votional books - - -  
 Bleaching powder - - -  
 Bolting cloths - - -  
 Borax - - -  
 Bookbinders' tools and implements - -  
 Books, maps, and charts, imported not as  
 merchandise, but as the personal effects of  
 persons arriving in Canada, to become  
*bond fide* residents of the province - -  
 Bottles containing wine, spirituous or fer-  
 mented liquors, of officers' mess - -  
 Brandy imported for officers' mess - -  
 Bran and shorts - - -  
 Brimstone - - -  
 Bristles - - -  
 Broom corn - - -  
 Buckwheat - - -  
 Buckwheat meal - - -  
 Bulbs and roots other than medicinal - -  
 Bullion - - -  
 Burrstones, wrought or unwrought, but not  
 bound up into millstones - - -  
 Butter - - -  
 Coin and bullion - - -  
 Cabinets of coins - - -  
 Cables:  
 Iron chain, over three-fourths of an inch  
 diameter - - -  
 Hemp - - -  
 Grass - - -  
 Carriages of travellers, and carriages em-  
 ployed in carrying merchandise (hawkers  
 and circus troupes excepted) - - -  
 Casks, ships' water, in use - - -  
 Caoutchouc or India rubber, and gutta  
 percha, unmanufactured - - -  
 Cement, marine or hydraulic, unground - -  
 Charitable societies, donations of clothing  
 for gratuitous distribution by - - -  
 Cheese - - -  
 Clothing for Army or Navy, or Indian  
 nations, or for gratuitous distribution by  
 any charitable society - - -  
 Coal - - -  
 Cochineal - - -  
 Coke - - -  
 Commissariat stores - - -  
 Copperas - - -

10 per cent.

20 per cent.

Duty.

Dolls. cts.

- 18

Free.

Free.

TABLE of Free Goods—*continued.*

|                                                                                                                                                                                                 |   |   |   |   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|
| Corkwood, or the bark of the corkwood tree                                                                                                                                                      | - | - | - | - |
| Corn, Indian                                                                                                                                                                                    | - | - | - | - |
| Cotton and flax waste                                                                                                                                                                           | - | - | - | - |
| Cotton wool                                                                                                                                                                                     | - | - | - | - |
| Cream of tartar in crystals                                                                                                                                                                     | - | - | - | - |
| Diamonds and precious stones                                                                                                                                                                    | - | - | - | - |
| Drugs used solely in dyeing                                                                                                                                                                     | - | - | - | - |
| Dye stuffs, viz.: bark, berries, drugs, nuts, vegetables, woods, and extract of log-wood                                                                                                        | - | - | - | - |
| Earths, clays and ochres, dry                                                                                                                                                                   | - | - | - | - |
| Eggs                                                                                                                                                                                            | - | - | - | - |
| Emery                                                                                                                                                                                           | - | - | - | - |
| Emery, glass, and sand paper                                                                                                                                                                    | - | - | - | - |
| Felt hat bodies and hat felt                                                                                                                                                                    | - | - | - | - |
| Fire-brick                                                                                                                                                                                      | - | - | - | - |
| Firewood                                                                                                                                                                                        | - | - | - | - |
| Fish                                                                                                                                                                                            | - | - | - | - |
| " oil, in its crude or natural state                                                                                                                                                            | - | - | - | - |
| " products of, unmanufactured                                                                                                                                                                   | - | - | - | - |
| Fishing nets and seines                                                                                                                                                                         | - | - | - | - |
| Fish-hooks, lines, and fish-twines                                                                                                                                                              | - | - | - | - |
| Flax, hemp, and tow, undressed                                                                                                                                                                  | - | - | - | - |
| Flour                                                                                                                                                                                           | - | - | - | - |
| Fruits, green                                                                                                                                                                                   | - | - | - | - |
| Fruits, dried, the growth of the United States only, while the Reciprocity Treaty is in force                                                                                                   | - | - | - | - |
| Furs, skins, pelts, or tails undressed, when imported directly from the United Kingdom or British North American Provinces, or from the United States, while the Reciprocity Treaty is in force | - | - | - | - |
| Gems and medals                                                                                                                                                                                 | - | - | - | - |
| Gold beaters' brim moulds and skins                                                                                                                                                             | - | - | - | - |
| Gravels                                                                                                                                                                                         | - | - | - | - |
| Grains:                                                                                                                                                                                         |   |   |   |   |
| Barley and rye                                                                                                                                                                                  | - | - | - | - |
| Beans and peas                                                                                                                                                                                  | - | - | - | - |
| Bear and bigg                                                                                                                                                                                   | - | - | - | - |
| Bran and shorts                                                                                                                                                                                 | - | - | - | - |
| Buckwheat                                                                                                                                                                                       | - | - | - | - |
| Indian corn                                                                                                                                                                                     | - | - | - | - |
| Oats                                                                                                                                                                                            | - | - | - | - |
| Wheat                                                                                                                                                                                           | - | - | - | - |
| Meal of above grains                                                                                                                                                                            | - | - | - | - |
| Grindstones, wrought or unwrought                                                                                                                                                               | - | - | - | - |
| Gums and resins, in a crude state                                                                                                                                                               | - | - | - | - |
| Gypsum or plaster of Paris, ground or unground, but not calcined                                                                                                                                | - | - | - | - |
| Grease and scraps                                                                                                                                                                               | - | - | - | - |
| Hams                                                                                                                                                                                            | - | - | - | - |
| Hair, Angola, goat, Thibet, horse, or mohair, unmanufactured                                                                                                                                    | - | - | - | - |
| Hemp                                                                                                                                                                                            | - | - | - | - |
| Hides                                                                                                                                                                                           | - | - | - | - |
| Horns                                                                                                                                                                                           | - | - | - | - |
| Household furniture and effects that have been in actual use for one month or more, of persons coming to settle in this Province, and in charge of the owner                                    | - | - | - | - |
| Household effects, personal, not merchandise, of subjects of Her Majesty domiciled in Canada, but dying abroad                                                                                  | - | - | - | - |
| Indigo                                                                                                                                                                                          | - | - | - | - |
| Inventions and improvements in the arts, models or patterns of; provided that no article shall be deemed a model which can be fitted up for use                                                 | - | - | - | - |
| Junk and oakum                                                                                                                                                                                  | - | - | - | - |
| Lard                                                                                                                                                                                            | - | - | - | - |
| Lime, the produce of British North American Provinces only                                                                                                                                      | - | - | - | - |

Free.

TABLE of Free Goods—*continued.*

|                                                                                                                                                                                                                                                                                                              |   |   |   |   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|
| Machinery, models and patterns of; provided the same be not put to actual use                                                                                                                                                                                                                                | - | - | - | - |
| Manilla grass                                                                                                                                                                                                                                                                                                | - | - | - | - |
| Manures of all kinds                                                                                                                                                                                                                                                                                         | - | - | - | - |
| Marble in blocks or slabs unpolished                                                                                                                                                                                                                                                                         | - | - | - | - |
| Meats, fresh, smoked and salt                                                                                                                                                                                                                                                                                | - | - | - | - |
| Menageries, horses, cattle, carriages, and harnesses of; subject to regulations by the Governor in Council                                                                                                                                                                                                   | - | - | - | - |
| Military clothing for Her Majesty's troops or militia                                                                                                                                                                                                                                                        | - | - | - | - |
| Military stores and materials for military clothing imported for the use of the Provincial militia, under such restrictions as may be passed by Governor in Council                                                                                                                                          | - | - | - | - |
| Mosses and sea grass, for upholstery purposes                                                                                                                                                                                                                                                                | - | - | - | - |
| Musical instruments for military bands                                                                                                                                                                                                                                                                       | - | - | - | - |
| Nitre or saltpetre                                                                                                                                                                                                                                                                                           | - | - | - | - |
| Oakum                                                                                                                                                                                                                                                                                                        | - | - | - | - |
| Oils:—cocoa nut, pine, and palm, in their crude, unrectified, or natural state                                                                                                                                                                                                                               | - | - | - | - |
| Oil cake or linseed cake                                                                                                                                                                                                                                                                                     | - | - | - | - |
| Ordnance stores                                                                                                                                                                                                                                                                                              | - | - | - | - |
| Ores, of all kinds of metals                                                                                                                                                                                                                                                                                 | - | - | - | - |
| Osier or willow, for basket-makers' use                                                                                                                                                                                                                                                                      | - | - | - | - |
| Packages of all kinds in which goods are usually imported, except the following, viz.: spirit, wine, oil, beer, cider, and other casks for the containing of liquid, baskets of every description, trunks, snuff jars, earthenware jars, glass jars, bottles, and barrels containing, grain, seeds, and peas | - | - | - | - |
| Pig iron, pig lead, and pig copper                                                                                                                                                                                                                                                                           | - | - | - | - |
| Pitch and tar                                                                                                                                                                                                                                                                                                | - | - | - | - |
| Philosophical instruments and apparatus, globes                                                                                                                                                                                                                                                              | - | - | - | - |
| Plants, shrubs, and trees                                                                                                                                                                                                                                                                                    | - | - | - | - |
| Printing ink and printing presses                                                                                                                                                                                                                                                                            | - | - | - | - |
| Provisions for Army or Navy, or Indian nations                                                                                                                                                                                                                                                               | - | - | - | - |
| Rags                                                                                                                                                                                                                                                                                                         | - | - | - | - |
| Resin and rosin                                                                                                                                                                                                                                                                                              | - | - | - | - |
| Rice                                                                                                                                                                                                                                                                                                         | - | - | - | - |
| Sail-cloth                                                                                                                                                                                                                                                                                                   | - | - | - | - |
| Sal soda                                                                                                                                                                                                                                                                                                     | - | - | - | - |
| Sal ammoniac                                                                                                                                                                                                                                                                                                 | - | - | - | - |
| Salt                                                                                                                                                                                                                                                                                                         | - | - | - | - |
| Seeds, for agricultural, horticultural, or manufacturing purposes only                                                                                                                                                                                                                                       | - | - | - | - |
| Ships' blocks                                                                                                                                                                                                                                                                                                | - | - | - | - |
| Binnacle lamps                                                                                                                                                                                                                                                                                               | - | - | - | - |
| Bunting                                                                                                                                                                                                                                                                                                      | - | - | - | - |
| Canvas, sail, Nos. 1 to 6                                                                                                                                                                                                                                                                                    | - | - | - | - |
| Compasses                                                                                                                                                                                                                                                                                                    | - | - | - | - |
| Dead-eyes                                                                                                                                                                                                                                                                                                    | - | - | - | - |
| Dead lights                                                                                                                                                                                                                                                                                                  | - | - | - | - |
| Deck plugs                                                                                                                                                                                                                                                                                                   | - | - | - | - |
| Shackles                                                                                                                                                                                                                                                                                                     | - | - | - | - |
| Sheaves                                                                                                                                                                                                                                                                                                      | - | - | - | - |
| Signal lamps                                                                                                                                                                                                                                                                                                 | - | - | - | - |
| Travelling trucks                                                                                                                                                                                                                                                                                            | - | - | - | - |
| Cordage which upon importation shall have paid the duty of Customs, shall be entitled to drawback under the 8th sect. 22 Vict. c. 76, when applied to ship-building purposes, and under such regulations as the Governor in Council may make                                                                 | - | - | - | - |
| Ships' water casks in use                                                                                                                                                                                                                                                                                    | - | - | - | - |
| Silk hat felts                                                                                                                                                                                                                                                                                               | - | - | - | - |
| Soda ash                                                                                                                                                                                                                                                                                                     | - | - | - | - |
| Sago flour                                                                                                                                                                                                                                                                                                   | - | - | - | - |

Free.



TABLE of Free Goods—continued.

|                                                                                                                                                                                                                            |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Specimens of natural history, mineralogy, or botany - - - - -                                                                                                                                                              |  |
| Stone, unwrought - - - - -                                                                                                                                                                                                 |  |
| Slate - - - - -                                                                                                                                                                                                            |  |
| Stereotype blocks, for printing purposes - - - - -                                                                                                                                                                         |  |
| Statues, busts, and casts, of marble, bronze, alabaster or plaster of Paris, paintings and drawings as works of art, specimens of sculpture, cabinets of coins, medals, gems, and all collections of antiquities - - - - - |  |
| Sulphur or brimstone - - - - -                                                                                                                                                                                             |  |
| Tin and zinc or spelter in block or pig - - - - -                                                                                                                                                                          |  |
| Tallow - - - - -                                                                                                                                                                                                           |  |
| Teasels - - - - -                                                                                                                                                                                                          |  |
| Timber and lumber of all kinds, round, hewed, sawed, unmanufactured in whole or in part - - - - -                                                                                                                          |  |
| Tobacco, unmanufactured - - - - -                                                                                                                                                                                          |  |
| Tools and implements of trade of handicraftsmen arriving in Canada, when accompanied into the Province by the actual settler, and brought in by such settler for his own use, and not for sale - - - - -                   |  |
| Treenails - - - - -                                                                                                                                                                                                        |  |
| Turpentine other than spirits of turpentine - - - - -                                                                                                                                                                      |  |
| Type metal, in blocks or pigs - - - - -                                                                                                                                                                                    |  |
| Varnish, bright and black, for ship builders, other than copal, carriage, shellac, mastic, or japan - - - - -                                                                                                              |  |

Free.

TABLE of Free Goods—continued.

|                                                                                                                                 |  |
|---------------------------------------------------------------------------------------------------------------------------------|--|
| Vegetables, not elsewhere specified - - - - -                                                                                   |  |
| Vehicles of travellers, except those of hawkers and pedlars - - - - -                                                           |  |
| Water lime, unground - - - - -                                                                                                  |  |
| Wine, spirits, and fermented liquors of all kinds, imported for officers' mess, and the packages containing the same - - - - -  |  |
| Wood for hoops when not notched - - - - -                                                                                       |  |
| Woods of all kinds - - - - -                                                                                                    |  |
| Wool - - - - -                                                                                                                  |  |
| All importations for the use of Her Majesty's Army and Navy serving in Canada, or for the public uses of the Province - - - - - |  |

Free.

TABLE of Prohibitions.

|                                                                                                                                                                                                 |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| The following articles are prohibited to be imported under a penalty of 50 <i>l.</i> , together with the forfeiture of the parcel or package of goods in which the same may be found: - - - - - |  |
| Books, drawings, paintings, and prints of an immoral and indecent character - - - - -                                                                                                           |  |
| Coin, base or counterfeit - - - - -                                                                                                                                                             |  |

Prohibited.

— No. 2. —

(No. 23.)

COPY of a DESPATCH from his Grace the Duke of Newcastle, K.G., to Governor the Right Honourable Sir Edmund Head, Bart.

Sir,

Downing-street, 13 August 1859.

I HAVE the honour to transmit to you the copy of a Memorial which has been addressed to me by the Chamber of Commerce and Manufactures at Sheffield, representing the injury anticipated to their commerce by the increased duties which have been imposed on imports by the late Canada tariff.

I request that you will place this representation in the hands of your Executive Council, and observe to that body that I cannot but feel that there is much force in the argument of the Sheffield manufacturers. Practically, this heavy duty operates differentially in favour of the United States, in consequence of the facility for smuggling which so long a line of frontier affords, and the temptation to embark in it which a duty of 20 per cent. offers. Regarded as a fiscal expedient, the measure is impolitic; for whilst any increase of contraband trade must be at the expense of the Exchequer, the diminution of foreign importations will probably more than neutralise the additional revenue derived from the higher duty.

Whenever the authenticated Act of the Canadian Parliament on this subject arrives, I may probably feel that I can take no other course than signify to you the Queen's assent to it, notwithstanding the objections raised against the law in this country; but I consider it my duty no less to the Colony than to the Mother Country, to express my regret that the experience of England, which has fully proved the injurious effect of the protective system, and the advantage of low duties upon manufactures, both as regards trade and revenue, should be lost sight of, and that such an Act as the present should have been passed. I much fear the effect of the law will be that the greater part of the new duty will be paid to the Canadian producer by the colonial consumer, whose interests, as it seems to me, have not been sufficiently considered on this occasion.

I have, &c.

(signed)

Newcastle.

No. 2.

The Duke of Newcastle, K.G., to Governor the Right Hon. Sir Edmund Head, Bart.

13 August 1859.

1 August 1859.

## Enclosure in No. 2.

Chamber of Commerce and Manufactures,  
Sheffield, 1 August 1859.

My Lord Duke,  
Enclosure in No. 2. I HAVE the honour to enclose a Memorial from this Chamber of Commerce respecting the greatly augmented duties levied upon manufactured imports into the Canadian Colonies.

This Memorial is presented in accordance with a wish expressed by your Grace at an interview granted to a deputation from this Chamber on Wednesday the 20th of July last.

It sets forth the main points in which these greatly increased duties are burdensome to home commerce; and this Chamber begs that the subject may receive your Grace's attention.

I have, &c.  
(signed) Charles E. Smith,  
Honorary Secretary.

His Grace the Duke of Newcastle, K. G.,  
&c. &c. &c.

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To His Grace the Duke of Newcastle, Secretary of State for the Colonies.

Chamber of Commerce and Manufactures, Sheffield,  
1 August 1859.

My Lord Duke,

In accordance with a promise made by us on the 20th ultimo, when we had the honour of waiting upon your Grace on behalf of the merchants and manufacturers of Sheffield, to represent the injury anticipated to the trade of this town from the recent advance of the import duties of Canada, we now beg respectfully to re-state the reasons why such injury is apprehended. These reasons may be said to be twofold; first, those arising from a conviction that it is the deliberate policy of the Government of Canada to foster native manufactures by fiscal protection, and every other means in their power, and, second, those arising from a consideration of the fact that there exists close to the Canadian frontier a body of competing United States manufacturers, to whom such contiguity more than counterbalances the fact that they have to pay the same duties as ourselves.

For proof that we are not mistaken about what the policy of the Canadian Government is, we would refer your Grace to the tone of the whole press of Canada, to the speeches of members of the Canadian Parliament, on both sides of the House, and especially to the steady increase of duties levied on Sheffield goods under every successive tariff. It will be sufficient to say on the last point, that within 18 years or less, the duty levied on Sheffield goods has been steadily advanced from 2½% to 20%. We would remind your Grace, in the second place, that while there is a protection in favour of Canadian manufactures against Sheffield of from 35% to 40%, consisting of land carriage, freight, insurance, commission, shipping expenses, duty, &c., that owing to the close contiguity of, and cheap transit from the competing seats of American industry, similar goods can be sent across the Canadian frontier by United States manufacturers' at a cost of from 22½ to 25%. It is, therefore, plain that the American manufacturer has actually an advantage over the Sheffield manufacturer of from 12½ to 15%. As this is a natural protection, however, and consequently one which remains about the same, be the Canadian duty what it may, we only name it to show your Grace how great the obstacles are naturally against which Sheffield labour has to struggle, and for the purpose of remarking as another objection to any increase of duty, that it is actually the interest of American manufacturers that the Canadian duties should be raised, since any hinderance or confusion caused to Sheffield manufacturers can only tend to divert the demand towards markets easier of access, and with which intercourse is more quickly exchanged than with Sheffield. It is important too, to remember that the American manufacturer has more than 1,000 miles of unguarded frontier across which he can smuggle with impunity. The merchants and manufacturers of Sheffield have no wish to obtain special exception for themselves, and do not complain that they are called upon to pay the same duty as the American or the German, neither do they claim to have their goods admitted free of duty; all they ask is, that the policy of protection to native manufactures in Canada should be distinctly discountenanced by Her Majesty's Government, as a system condemned by reason and experience, directly contrary to the policy solemnly adopted by the Mother Country, and calculated to breed disunion and distrust between Great Britain and her Colonies. It cannot be regarded as less than indecent, and a reproach, that, while for 15 years the Government, the greatest statesmen, and the press of this country have been not only advocating, but practising the principles of free trade, the Government of one of her most important Colonies should have been advocating monopoly and protection. Under the artificial stimulus of this system, extensive and numerous hard-ware manufactories have



have sprung up both in Canada East and West, and the adoption of increasing duties has been the signal for more to be commenced. We are aware that the fiscal necessities of the Canadian Government are urged as the chief cause for passing the late Tariff Bill. This is not the whole truth; no one can read the papers of the provinces and the speeches of the Members of both Houses, and be deceived for an instant, but even if that were the cause, we conceive that Her Majesty's Government has a right to demand that what revenue is needed shall be raised in some other way than that which is opposed to the acknowledged commercial policy of the Imperial Government, and destructive of the interests of those manufacturing towns in Great Britain which trade with Canada. As some evidence that this new tariff is objectionable on Colonial grounds, we would draw your Grace's attention to the following extract:—

The New Canadian Tariff:—"Mr. Galt's tariff is bearing with dreadful severity on our trade. The imports at Toronto for the first six months of 1859 were 1,939,928 dollars, while those of the corresponding period last year were 1,534,131 dollars, showing an increase of only 27 per cent. The duties collected in the same period, in 1858, were 168,161 dollars, and in 1859, 286,100 dollars, which shows an augmentation on the burdens of the people of very nearly 70 per cent. The exports, during the six months of 1859, were only 147,444 dollars; 37,069 dollars less than in 1858, and 138,656 dollars less than we paid in duties alone. With decreased means of payment we have imported more and paid more to the Government than last year. How can a country prosper under such burdens as the present Government have imposed?"—Toronto (W. C.), "Globe" of July 8th.

We remain, &c.  
 (signed) *Charles Atkinson*,  
 Mayor of the Borough of Sheffield,  
*Robert Jackson*,  
 Master Cutler,  
 For John Jobson Smith,  
 President of the Chamber of Commerce.  
*Charles E. Smith*,  
 Honorary Secretary.

— No. 3. —

(No. 57.)

COPY of a DESPATCH from His Grace the Duke of Newcastle, K.G., to  
 Governor the Right Honourable Sir Edmund Head, Bart.

Sir,

Downing-street, 5 November 1859.

WITH reference to my Despatch, No. 23 \* of the 13th of August, relative to the Tariff of Customs Duties recently enacted by the Legislature of Canada, a copy of which was transmitted to me with your Despatch, No. 40 † of the 26th of March last, I enclose, for your information the copy of a report on the subject of that Tariff, which has been prepared by the Board of Trade.

Governor Sir E. Head,  
 &c. &c. &c.

I have, &c.  
 (signed) *Newcastle*.

No. 3.  
 The Duke of  
 Newcastle, K.G.,  
 to Governor the  
 Right Hon. Sir  
 Edmund Head,  
 Bart.  
 5 November 1859.  
 \* Page 7.  
 † Page 3.

Enclosure in No. 3.

Sir,

Office of Committee of Privy Council for Trade,  
 Whitehall, 20 October 1859.

I HAVE laid before the Lords of the Committee of Privy Council for Trade your letter of the 26th September last, transmitting for their consideration, by direction of the Duke of Newcastle, a copy of an Act of the present Session of the Canadian Parliament, an Act of the preceding Session imposing duties of customs.

Enclosure in No. 3.

In reply, I am to request that you will state to his Grace, that the Tariff annexed to the present Act contains modifications of the one established by the Act of 1858, the most striking feature of which is the extension of *ad valorem* duties to those articles, which under the latter Act were charged with specific and rated duties.

The Act is, however, still open to the principal objection to which the former Act was liable, viz., the augmentation of the duties upon all the most important articles of manufacture from 15 per cent., which was the rate of duty charged upon them prior to 1858, to 20 and 25 per cent.

Among those articles liable under the present Tariff to 20 per cent. *ad valorem*, are all the leading textile fabrics, such as cottons, woollens, silks, and linens, as well as iron and hardware, earthenware, and unmanufactured leather, while manufactures of leather, viz., harness and saddlery, boots and shoes, are charged with 25 per cent. *ad valorem*.

Of all these articles the Colony has hitherto drawn its principal supply from the United Kingdom.

The aggregate revenue derived from the duties upon these articles alone, exclusive of manufactures of leather in 1857 was 487,306 *l*.

The increased taxation upon them under the new Tariff will amount, assuming the trade to maintain its present value, to no less a sum than 159,102 *l*.

It is unnecessary to remark that the increased burden thus placed upon a trade of so much importance, cannot fail to be severely felt by the exporters of the United Kingdom, as well as by the consumers in the Colony, and cannot but be regarded by my Lords with much regret.

This regret is increased by the reflection, that, owing to the facilities afforded by the extensive inland frontier of Canada for contraband trade, the present measure has a direct tendency to encourage the competition of United States manufacturers in the Canadian markets, while by the protection which it will at the same time afford to the manufactures of the Province, it will favour the interests of a very small class at the expense of the body of the population.

My Lords observe that Sir E. Head states in the Despatch which accompanies this Act, that it is required to meet the financial engagements of Canada.

Having regard to the statement, and also to the local peculiarities of the Province which may be supposed to render it difficult for the Legislature to draw their principal Customs Revenue from those articles of importation, which in the United Kingdom afford the main resource of the Exchequer with the least possible injury to the trade; viz., tea, tobacco, sugar, wine and spirits, my Lords are not prepared to condemn the course which has been adopted.

They think, however, that in leaving the Act to its operation, Her Majesty's Government should express their regret that the fiscal requirements of Canada should have compelled it to resort to a measure so objectionable in principle, and their apprehension of the injurious effect which it is calculated to produce upon the industrial progress of the Province.

I am to add, that in the present Act a duty of 10 per cent. *ad valorem* is imposed upon all "printed books," &c., not being reprints of British copyrights, which prior to 1858 were admitted duty free, while reprints of such copyrights remain still subject to the duty of 15 per cent. *ad valorem*, only imposed under the Canadian Act of the 13th & 14th Vict. c. 6.

The effect of this change will be to diminish by two-thirds the amount of protection hitherto enjoyed by British authors entitled to copyright; and as this protection was given in lieu of the monopoly which they previously possessed in the Colonial market, my Lords would submit that it constitutes a departure from the understanding upon which Her Majesty was advised to give effect to the Canadian Act, to which I have referred, by Her Order in Council, of the 12th December 1850, which was issued on the ground that the Act in question afforded a reasonable compensation to British authors for the loss of their monopoly.

The Duke of Newcastle is aware that under the Act above referred to, it is provided that the proceeds of the duty upon reprints of English copyright works shall be paid into a fund, to be distributed among those who are beneficially interested in the copyright of such works, that it may be said that if the effect of this change should be, as may be expected, to stimulate the importation of such reprints, this fund will be proportionately augmented; but as this contingency appears to my Lords to afford a very doubtful compensation to British authors for the diminution of the protection which they have hitherto enjoyed, they think that the attention of the Governor should be called to this provision of the Act, and that he should be instructed to take the earliest occasion of proposing to the Legislature of the Province to restore the original arrangements, either by admitting English copyrights duty free, or by augmenting the duty upon reprints of such works to 25 per cent. *ad valorem*.

Herman Merivale, Esq., C. B.

I am, &c.  
(signed) James Booth.



— No. 4. —

(No. 118.)

COPY of a DESPATCH from Governor the Right Honourable Sir *Edmund Head*, Bart., to His Grace the Duke of *Newcastle*, K. G.

Government House, Quebec,  
11 November 1859.

My Lord Duke,

I DID not fail immediately to call the attention of my Council to your Despatch of 13th August, No. 23.\* The subject was by them referred to the Finance Minister, Mr. Galt, who has reported thereon.

According to the recommendation of the Council, I now forward for your Grace's consideration a copy of this Report.

I have &c.,  
(signed) *Edmund Head*.

His Grace the Duke of Newcastle, K. G.,  
&c. &c. &c.

No. 4.  
Governor the Right  
Hon. Sir Edmund  
Head, Bart., to  
His Grace the  
Duke of Newcastle  
K. G.

\* Page 7.

#### Enclosure in No. 4.

COPY of a Report of a Committee of the Executive Council approved by His Excellency the Governor General, on the 12th of November 1859.

Enclosure in No. 4.

ON the Report of the Honourable the Minister of Finance, dated 25th October ultimo, submitting certain remarks and statements upon the Despatch of his Grace the Duke of Newcastle, dated 13th August, and upon the Memorial of the Chamber of Commerce of Sheffield, dated 1st August, transmitted therewith,—

The Committee concur in the views expressed by the Minister of Finance, and recommend that a copy of his Report be forwarded by your Excellency to Her Majesty's Secretary of State for the Colonies.

Certified,  
(signed) *William H. Lee, C. E. C.*

#### R E P O R T.

The Minister of Finance has the honour respectfully to submit certain remarks and statements upon the Despatch of His Grace the Duke of Newcastle, dated 13 August, and upon the Memorial of the Chamber of Commerce of Sheffield, dated 1 August, transmitted therewith.

It is to be deeply regretted that his Grace should have given to so great a degree the weight of his sanction to the statements in the Memorial, without having previously afforded to the Government of Canada the opportunity of explaining the fiscal policy of the province and the grounds upon which it rests. The representations upon which his Grace appears to have formed his opinions are those of a provincial town in England, professedly actuated by selfish motives; and it may fairly be claimed for Canada, that the deliberate acts of its Legislature representing nearly three millions of people, should not have been condemned by the Imperial Government on such authority, until the fullest opportunity of explanation had been afforded. It is believed that nothing in the Legislation of Canada warrants the expressions of disapproval which are contained in the Despatch of his Grace, but that on the contrary due regard has been had to the welfare and prosperity of Her Majesty's Canadian subjects.

From expressions used by his Grace in reference to the sanction of the Provincial Customs Act, it would appear that he had even entertained the suggestion of its disallowance; and though, happily Her Majesty has not been so advised, yet the question having been thus raised, and the consequences of such a step, if ever adopted, being of the most serious character, it becomes the duty of the Provincial Government distinctly to state what they consider to be the position and rights of the Canadian Legislature.

Respect to the Imperial Government must always dictate the desire to satisfy them that the policy of this country is neither hastily nor unwisely formed; and that due regard is had to the interests of the Mother Country as well as of the Province. But the Government of Canada acting for its Legislature and people cannot, through those feelings of deference which they owe to the Imperial authorities, in any manner waive or diminish the right of the people of Canada to decide for themselves both as to the mode and extent to which taxation shall be imposed. The Provincial Ministry are at all times ready to afford explanations in regard to the acts of the Legislature to which they are party; but

subject to their duty and allegiance to Her Majesty, their responsibility in all general questions of policy must be to the Provincial Parliament, by whose confidence they administer the affairs of the country; and in the imposition of taxation, it is so plainly necessary that the Administration and the people should be in accord, that the former cannot admit responsibility or require approval beyond that of the local Legislature. Self-government would be utterly annihilated if the views of the Imperial Government were to be preferred to those of the people of Canada. It is, therefore, the duty of the present Government distinctly to affirm the right of the Canadian Legislature to adjust the taxation of the people in the way they deem best, even if it should unfortunately happen to meet the disapproval of the Imperial Ministry. Her Majesty cannot be advised to disallow such acts, unless Her advisers are prepared to assume the administration of the affairs of the Colony irrespective of the views of its inhabitants.

The Imperial Government are not responsible for the debts and engagements of Canada. They do not maintain its judicial, educational, or civil service; they contribute nothing to the internal government of the country, and the Provincial Legislature acting through a ministry directly responsible to it, has to make provision for all these wants; they must necessarily claim and exercise the widest latitude as to the nature and extent of the burthens to be placed upon the industry of the people. The Provincial Government believes that his Grace must share their own convictions on this important subject; but as serious evil would have resulted had his Grace taken a different course, it is wiser to prevent future complication by distinctly stating the position that must be maintained by every Canadian Administration.

These remarks are offered on the general principle of colonial taxation. It is, however, confidently believed, that had his Grace been fully aware of the facts connected with the recent Canada Customs Act, his Despatch would not have been written in its present terms of disapproval.

The Canadian Government are not disposed to assume the obligation of defending their policy against such assailants as the Sheffield Chamber of Commerce; but as his Grace appears to have accepted these statements as correct, it may be well to show how little the memorialists really understood of the subject they have ventured to pronounce upon so emphatically.

The object of the Memorial, is "to represent the injury anticipated to the trade of this town (Sheffield), from the recent advance of the import duties of Canada." To this it is sufficient reply to state that no advance whatever was made on Sheffield goods by the Customs Act in question; the duty was 20 per cent. on these articles enumerated in the former tariff, and the only difference is, that they are now classed as un-enumerated, paying the same duty. But on the other hand, by the present tariff, the raw material, iron, steel, &c., used in the manufacture of such goods, has been raised from 5 per cent. to 10 per cent.; consequently under the Act of which the Memorialists complain, their position in competing with the Canadian manufacturer is actually better than under the previous tariff. The establishment of this fact entirely destroys the force of the whole argument in the Memorial, as regards the trade they especially represent.

The Chamber of Commerce, in their anxiety to serve the interests of their own trade, have taken up two positions from which to assail the Canadian tariff, which are, it is conceived, somewhat contradictory. They state that it is intended to foster native manufactures, and also that it will benefit United States manufacturers. It might be sufficient to say that the tariff cannot possibly effect both these objects, as they are plainly antagonistic; but it may be well to put the Chamber of Commerce right on some points connected with the competition they encounter from the American manufacturers. There are certain descriptions of hardware and cutlery which are manufactured in a superior manner by the American and Canadian manufacturers, and these will not, under any circumstances, be imported from Sheffield. In these goods there is really no competition; their relative merits are perfectly well known, and the question of duty or price does not decide where they shall be bought. In regard to other goods in which Sheffield has to compete with the United States, it can be easily shown that no advantage can by possibility be enjoyed by the foreigner in the Canadian market, because Sheffield is able now to export very largely of these very goods to the American market, paying a duty of 24½ per cent., and competing with the American maker. Certainly, then, in the Canada market Sheffield, paying only 20 per cent. duty, can have nothing to fear from American competition, which is subject also to the same duty, and even if admitted absolutely free, would yet be somewhat less able to compete than in the United States. The fact is, that certain goods are bought in the Sheffield market, and certain in the American. We have in Canada tradesmen who make goods similar to the American, but not to the Sheffield; and if our duty operates as an encouragement to manufacturers, it is rather against the American than the English manufacturer, as any one acquainted with this country well knows.

The Chamber of Commerce is evidently quite ignorant of the principle upon which the valuation of goods for duty is made by Canada, which is on the value in the market where bought. The Sheffield goods are therefore admitted for duty at their price in Sheffield, while the American goods are taken at their value in the United States. This mode of valuation is clearly in favour of the British manufacturer, and is adopted with the deliberate intention of encouraging the direct trade, as will be shown hereafter.

The calculations offered by the Chamber of Commerce as to the cost of delivering Sheffield and American goods in Canada are wholly erroneous; they state the cost as 35 per cent. to 40 per cent., against 22½ per cent. to 25 per cent.; but their whole case rests upon



upon the assumption that the original cost of both is the same, which is manifestly absurd, both as shown, indirectly, by Sheffield being a large exporter to the States, and, directly, from the fact that, in the case of the American maker, his raw material has to pay a duty of 24 per cent., while he requires higher interest both for his fixed and working capital, and has to pay larger wages for skilled labour.

The Chamber of Commerce attaches much weight to their allegation, that Canada has "more than 1,000 miles of unguarded frontier;" this is, like most of those in the Memorial, a mere reckless assertion, made in ignorance of facts. The frontier of Canada is not crossed by a road of any description but one (the Kennebec) east of the 45° parallel of latitude; it extends about 120 miles along the parallel to the River St. Lawrence; thence up the river about 100 miles to Lake Ontario, above which it is separated from the United States by the Great Lakes, averaging 60 miles in width, to the extreme west of Lake Superior; with the two exceptions of the Niagara river, 30 miles, for a considerable extent impassable, and by the Detroit and St. Clair rivers, 70 miles. The lakes are not navigated in winter, and in summer offer great obstacles to smuggling, from causes which it would take too much space to recite; consequently, the frontier which offers any avenues for smuggling is limited in reality to about 320 miles in all; and so far from being unguarded, a most efficient and zealous staff of officers is employed upon it, occupying every available route. Railways have also to a great extent removed the temptation and ability to smuggle; the goods are all brought from the United States to the frontier by rail, and it is cheaper to pay the duty demanded on goods generally (say, 20 per cent.) than to incur the additional expense of seeking another mode of conveyance, combined with the risk of a contraband trade. Smuggling, to a certain extent, no doubt takes place, but it is generally for the mere supply of frontier villages and settlements, and in most cases of seizure we find that the goods are of the most portable description; whisky and manufactured tobacco are the only bulky articles ever smuggled, and on these articles the duties are 70 per cent. and 40 per cent. They would not be smuggled were public opinion satisfied with the imposition of a lower duty, say 20 per cent.

The Chamber of Commerce has chosen to allege as its authority for assailing the present Canadian Customs duties, the newspaper statements to which they have had access, and the memorialists have permitted themselves, on such authority, to use most unbecoming language towards the Government of Canada. It would have been more proper had they quoted the statements of the policy of the Government made by its Finance Minister, rather than those of the public press, and on this point there is now submitted an extract from the remarks made by Mr. Galt on the introduction of the new tariff, and which were fully reported in all the leading newspapers:—"There is no more important question that can engage the attention of any country than its commercial policy. There are some who would do away with customs' duties altogether, and have resort to direct taxation. Others, again, are in favour of a tariff which shall afford protection to native industry, and avoid the necessity of importing goods from abroad. I think it is impossible for Canada to adopt altogether either of those measures as a final policy. I think we must have reference to what are the great interests of the country in reference to taxation. The first of them undoubtedly is agriculture. There is also a large portion of the people engaged in the manufacture of timber, and the commercial interest is by no means small. There is also a manufacturing interest growing up, but it has not yet attained the magnitude of the others of which I have spoken. I do not believe that the adoption of a protective policy is possible in Canada, on account of the extensive frontier that she has to protect. It is plain that if we raise the duties beyond a certain point we offer a reward to unscrupulous persons to engage in contraband trade; and again if by raising the duty on those articles too high we prevent their introduction, we must necessarily have recourse to direct taxation. I do not think it possible or desirable that taxation should be raised to the rate adverted to. The duties imposed are moderate, and since they had been raised from 12½ per cent. to 15, various manufactures have been created, have thriven, and are still thriving, and I am not aware that during the recent extraordinary monetary crisis they have suffered to any extent. It is right, in raising a revenue, to have respect to the possibility of finding employment for a portion of the population, but, on the other hand, it is not proper to create a hot-bed to force manufactures. The revenue we have to raise permitted the putting on of duties which would give some encouragement to parties to embark in manufactures. When a person did so under a system of moderate duties, he had reasonable ground of assurance that the system would not be altered to his disadvantage; but if the duties were high the system would be regarded as one of class legislation, and as not likely to be permanent. The true object to be accomplished was to make provision for the public wants, and so to distribute the burdens as to make them press as equally as possible upon all, or to afford equal encouragement to all interests."

The nature and value of the information obtained by the Chamber of Commerce may be judged by their appending to their Memorial an extract from a paper bitterly opposed to the Government, which, taking up the result of six months of trade of Toronto, a port of only third-rate magnitude, pretends to give the result of a tariff which had only been in operation for three months out of the six months, from which the statement was made. It will be hereafter shown what the real operation of the new tariff has thus far been, and it will then clearly appear that the apprehensions of his Grace as to the failure of the measure financially have not been realised.

The Minister of Finance would not have considered it necessary to give any refutation

to the statements of the memorial from Sheffield, had it not been virtually adopted by his Grace the Duke of Newcastle. He would have preferred at once entering upon an explanation of the financial position, requirements, and policy of Canada, which he now respectfully submits, and which will, he believes, abundantly prove that, under the most serious difficulties, the policy of Canada, so far from being opposed in principle to that of the Mother Country, has been in accord with it, as far as differing circumstances would permit.

A statement is herewith appended, shewing the total imports, duty, and free goods imported into Canada since the union.

The policy of the Mother Country was protective and discriminative until 1846, and that of Canada was made as far as practicable in harmony. Differential duties in favour of the direct trade with Great Britain existed till 1848, when they were repealed. And in 1854, the principles of free trade were still more fully adopted by Canada in the legislation connected with the Reciprocity Treaty. The repeal of the Navigation Laws took place in 1849. The policy of Canada has thus at three periods, of 1841 to 1848, 1849 to 1854, and 1855 to this date, followed that of Great Britain. Our markets have been thrown open on equal terms to all the world. Our inland waters are navigated by foreign vessels on the same terms as by Canadian; the necessities of life entering into the ordinary consumption of the people have all been made free. Our vast timber and ship-building interests have been thus developed and our fisheries encouraged, and, as a general principle, all raw materials have also been admitted free. The only exception in the latter case being precisely that which most conclusively shows that the fiscal policy of Canada has been based upon revenue as the primary object; as for the manufacture of the description of goods which has provoked the criticism of the Sheffield Chamber of Commerce, iron and steel are the raw material, and on these very articles the duty has been steadily raised to 10 per cent., which is quite in proportion to the increased duty imposed upon the manufactured article.

The analysis of the statement herewith gives some curious and instructive results. For the eight years from 1841 to 1848, during which the protective policy existed, the total imports of Canada were 27,543,319 *l.* 0 *s.* 6 *d.*, Halifax currency, the total duty collected 2,808,507 *l.* 11 *s.* 10 *d.*, and the total free goods 619,886 *l.* 1 *s.* 8 *d.*; the averages being 3,442,915 *l.*, 351,063 *l.*, and 77,486 *l.*; the duty being thus about 10½ per cent.; and the free goods only 2½ per cent. of the whole imports.

For the next period of six years to the passing of the Reciprocity Acts, and general adoption of more liberal views, 1849 to 1854, the total imports, duty, and free goods were respectively 35,806,420 *l.* 6 *s.* 1 *d.*, 4,790,372 *l.* 11 *s.* 11 *d.*, 2,448,381 *l.* 13 *s.* 2 *d.*, averaging 5,967,736 *l.*, 798,395 *l.*, and 408,063 *l.* per annum, the duty being thus about 13½ per cent., and the free goods nearly 7 per cent. of the total imports.

For the last period of four years from 1855 to 1858, which is that which has more particularly excited the apprehensions of his Grace, and the criticism of the Sheffield Chamber of Commerce, the following results are shown: imports, 37,044,920 *l.* 10 *s.* 2 *d.*; duty, 3,835,276 *l.* 6 *s.* 5 *d.*; free goods, 10,789,705 *l.*; the annual averages having been 9,261,230 *l.*, 958,819 *l.*, and 2,697,426 *l.*; the duty being 10½ per cent., and the free goods 29 per cent. of the imports.

The following comparative result appears:—

|                                                           |   |   |   |   |   |              |
|-----------------------------------------------------------|---|---|---|---|---|--------------|
| 1841 to 1848, average total imports                       | - | - | - | - | - | £. 3,442,915 |
| 1849 to 1854, " "                                         | - | - | - | - | - | 5,967,736    |
| 1855 to 1858, " "                                         | - | - | - | - | - | 9,261,230    |
| 1841 to 1848, duty 10½ per cent.; free goods 2½ per cent. |   |   |   |   |   |              |
| 1849 to 1854, " 13½ " " 7 "                               |   |   |   |   |   |              |
| 1855 to 1858, " 10½ " " 29 "                              |   |   |   |   |   |              |

These comparative statements abundantly prove that the policy of Canada in its Customs duties has neither been repressive of trade nor onerous upon the people. It is, however, necessary to draw attention to the fact that from causes which will be hereafter stated, the results for 1858 would somewhat differ from the above average, the late Minister of Finance, Mr. Cayley, having found it necessary to make a considerable addition to the Customs duties by an Act which took effect on the 7th August 1858, which gave the following results for that particular year, and which must be borne in mind when it is necessary to explain the nature of the Customs Act of March 1859.

|                                                     |   |   |   |   |   |                                             |
|-----------------------------------------------------|---|---|---|---|---|---------------------------------------------|
| 1858, imports to 7th August                         | - | - | - | - | - | £. 3,970,703                                |
| Duty, 439,643 <i>l.</i> 14 <i>s.</i> 6 <i>d.</i>    | - | - | - | - | - | Free goods, 1,161,728 <i>l.</i> 5 <i>s.</i> |
| Duty, 11 per cent.                                  | - | - | - | - | - | Free goods, 29 per cent.                    |
| " From 7th August to 31st December, under tariff of |   |   |   |   |   |                                             |
| 1858, imports                                       | - | - | - | - | - | £. 3,298,928 15 <i>s.</i>                   |
| Duty, 405,703 <i>l.</i> 13 <i>s.</i> 1 <i>d.</i>    | - | - | - | - | - | Free goods, 931,675 <i>l.</i> 5 <i>s.</i>   |
| Duty, 12½ per cent.                                 | - | - | - | - | - | Free goods, 28½ per cent.                   |

The fiscal policy of Canada has invariably been governed by consideration of the amount of revenue required. It is no doubt true that a large and influential party exists, who advocate a protective policy, but this policy has not been adopted by either the Government or Legislature, although the necessity of increased taxation for the purposes of revenue has to a certain extent compelled action in partial unison with their views, and has



has caused more attention to be given to the proper adjustment of the duties, so as neither unduly to stimulate nor depress the few branches of manufacture which exist in Canada. The policy of the present Government in re-adjusting the tariff has been, in the first place, to obtain sufficient revenue for the public wants; and, secondly, to do so in such a manner as would most fairly distribute the additional burthens upon the different classes of the community, and it will undoubtedly be a subject of gratification to the Government if they find that the duties absolutely required to meet their engagements should incidentally benefit and encourage the production in the country of many of those articles which we now import. The Government have no expectation that the moderate duties imposed by Canada can produce any considerable development of manufacturing industry; the utmost that is likely to arise is the establishment of works requiring comparatively unskilled labour, or of those competing with American makers for the production of goods, which can be equally well made in Canada, and which a duty of 20 per cent. will no doubt stimulate. That these results should flow from the necessity of increased taxation is no subject of regret to the Canadian Government, nor can it be alleged as any departure on their part from the recognised sound principles of trade, as it will shortly be shown that the Government were compelled to obtain increased revenue, and it is believed that no other course could be relied on for this result than that adopted.

The increase of taxation is never a popular step, and his Grace might have well believed that no Government would adopt it, without the strongest conviction that good faith demanded it. It is unpleasant enough to be exposed to attack in Canada for an unavoidable increase of duties; but it is certainly ungenerous to be reproached by England, when the obligations which have caused the bulk of the indebtedness of Canada have been either incurred in compliance with the former policy of Great Britain, or more recently assumed, to protect from loss those parties in England who had invested their means in our railways and municipal bonds.

The indirect public debt of Canada in 1858 was 7,630,643 *l.* 16 *s.* 7 *d.*, bearing 6 per cent. interest, which, prior to 1857, had not been a charge upon the revenue. In that year, owing to the commercial crisis, it became necessary to make large payments upon it; and in 1858, almost the whole amount had to be met from the general revenue. In addition to the commercial depression, the harvest of 1857 was below an average, and that of 1858 was nearly a total failure. It became manifest that the indirect debt must for many years be a charge upon the country; and Parliament was required to make provision for it. The interest on the public debt, direct and indirect, thus required in 1858 774,612 *l.* 13 *s.* 4 *d.*, and without flagrant breach of faith, it could neither be postponed nor repudiated. The pressure had come suddenly and heavily upon the people of Canada; but neither the Government nor the Legislature hesitated in making such provision as in their judgment would meet the exigencies. The Customs Act of 1858 was therefore passed, and subsequently, with the same objects in view and others which will be hereafter explained, the Customs Act of 1859 was also passed.

His Grace the Duke of Newcastle has not, it is feared, given his consideration to the official documents showing the income and expenditure of Canada for 1858, or he would have seen the absolute necessity under which the Government was acting, in proposing their financial measures for last year. His attention is now respectfully requested to the official Report of the Finance Minister attached to the public accounts of 1858, wherein he will perceive the exact position in which the affairs of the province stood, and that a deficiency of no less than 2,500,000 dollars had occurred in that year.

After subjecting the engagements of the province to the strictest possible scrutiny, the Government were of opinion that it was possible to reduce the annual outlay on many items of expenditure, and the accompanying estimate submitted to Parliament will satisfy his Grace that the best efforts of the Government have been directed towards economy, the ordinary expenditure in 1858 having been 8,943,013 dollars, and the estimate for corresponding service in 1859 being 7,497,000 dollars. But after making every possible reduction, it was manifest that unless an increase of revenue could be obtained, a serious deficiency must occur in 1859. The opinion of the Government was, that having ascertained the probable amount required for the service of the year, it was their duty to recommend such measures to Parliament as would supply the deficiency; and that although during the crisis it might have been justifiable to borrow money for this purpose, it was no longer so. A revival of trade was confidently looked to, but owing to the bad harvest of 1858, it could not be rapid; and it was deemed proper to recommend certain additions to the Customs duties, to provide for a possible diminution in our ordinary importation.

The Customs Act introduced by the present Minister of Finance is evidently believed by his Grace, and by others in England who draw their information apparently from the political press opposed to the Government, to have imposed very large additional taxation on imported goods, whereas, in reality, such was neither the intention nor the fact. The new tariff was designed certainly with the intention of obtaining an increased revenue of about 500,000 dollars on the estimated importations of 1859, but the real increase was looked for from a revival of trade; the main object of the new tariff was to readjust the duties so as to make them press more equally upon the community by extending the *ad valorem* principle to all importation, and thereby also encouraging and developing the direct trade between Canada and all foreign countries by sea, and so far benefiting the shipping interests of Great Britain, an object which is partly attained through the duties being taken upon the value in the market where last bought. The levy of specific duties

for several years had completely directed the trade of Canada in teas, sugars, &c. to the American markets, and had destroyed a very valuable trade which formerly existed from the St. Lawrence to the Lower Provinces and West Indies. It was believed that the completion of our canal and railroad systems, together with the improvements in the navigation of the Lower St. Lawrence, justified the belief that the supply of Canadian wants might be once more made by sea, and the benefits of this commerce obtained for our own merchants and forwarders. Under this conviction it was determined by the Government to apply the principle of *ad valorem* duties (which already extended to all manufactured goods) to the remaining articles in our tariff.

A step of this nature, having for its effect to give a slight advantage to the direct trade, *viâ* the St. Lawrence, with Great Britain and the rest of the world, and whose tendency was somewhat to interfere with the existing close commercial relations between Western Canada and the United States, excited the bitter hostility of all the interests prejudicially affected, and both in Parliament and in the press the most absurd and false statements were made on the subject. The opposition in Parliament, strangely enough, adopted as their strongest ground of attack upon the tariff, that it receded from the protective principle said to have been adopted by Mr. Cayley in the previous year; and for the purpose of defeating the Government, those in opposition in the House who admitted the justice and propriety of the proposed changes, actually voted with the pure protectionists. Notwithstanding all the combined efforts of their opponents, the Government adhered to and carried their measure; and it may now be interesting to observe, from the short period during which the tariff has been in force, how far it has produced the results contended for by the Government or their opponents.

The Minister of Finance stated to the House that he did not intend materially to alter the rate of duty paid on the bulk of the imports, but only to change the principle upon which they should be levied. The articles on which he proposed to obtain additional revenue were, cotton goods to be raised from 15 per cent. to 20 per cent., and iron, steel, &c., from 5 per cent. to 10 per cent. This was the whole extent of increased taxation, and it was expected to yield 500,000 dollars additional. The changes in teas, sugars, &c., were all merely nominal, and, as already explained, were proposed as being upon a more correct principle. The imports for the first three quarters of 1859, say to 30th September, have been, imports, 6,574,128 *l.* 5 *s.*, duty, 888,946 *l.* 15 *s.* 4 *d.*, free goods, 1,915,603 *l.*, the duty being 13½ on the imports, and the free goods being 29 per cent. of the whole.

The attention of his Grace is respectfully requested to this statement as showing, first, that the increased rate of duty as compared with the tariff of 1858, as given in a previous part of this memorandum, has only been from 12½ to 13½ per cent., which can scarcely be deemed excessive; while so far from the apprehensions of his Grace being verified through a diminution of imports and consequent loss of revenue, in both cases the estimates of the Government are borne out as nearly as could be expected, considering the state of the country, and its gradual recovery from depression. Until the close of the year the comparison cannot fairly be made, inasmuch as we are only now beginning to benefit from our late good harvest; but as an indication of the result, it may be stated that, in the case of cotton goods, which were raised from 15 to 20 per cent., the importation for the first nine months of 1857, 1858, and 1859, were as follows:—

|      | <i>Dollars.</i> |   |   |   |   |   |   |   |   |           |
|------|-----------------|---|---|---|---|---|---|---|---|-----------|
| 1857 | -               | - | - | - | - | - | - | - | - | 4,379,672 |
| 1858 | -               | - | - | - | - | - | - | - | - | 2,862,734 |
| 1859 | -               | - | - | - | - | - | - | - | - | 4,323,750 |

The Minister of Finance can also point with satisfaction to the fact that the proportion which free goods bears to the whole importation is exactly that of 1858, and of the average for the four previous years, viz., 29 per cent. of the imports. This may be assumed to indicate that the new tariff has not produced any disturbance of trade, nor checked importations, for it is remarkable that where so large an increase has taken place in the imports as from 5,500,542 *l.* in the first nine months of 1858, to 6,574,128 *l.* 5 *s.* in the corresponding period of 1859, the proportion of free goods to the whole remains the same.

The Minister of Finance relies upon these statements to convince his Grace that he has scarcely done justice to the Government of Canada in his Despatch of 13th August, and that, in many important respects, the Chamber of Commerce has been entirely misinformed. He will now proceed to indicate the causes which have induced the Government and Legislature of Canada to seek in an increase of their Customs duties the means of meeting the large and unexpected demands upon them. But before finally leaving the subject of the burdens upon the people of Canada, it is proper to remark that the rate of duty levied under the present tariff of 1859, covering the cost of all our canal and railway expenditure, is only 13½ per cent., while in the period from 1841 to 1848, when the province had neither canals nor railways, it was 10¼ per cent., and from 1849 to 1854, when it had only canals, but not railways, it was 13½ per cent. If it were necessary to offer an argument on the subject, it might be very easily shown that any increase of duty which has been placed on English goods is quite indemnified by the decreased cost at which our canals, railways, and steamships enable them now to be delivered throughout the province, and that, if the question were one of competition with Canadian manufacturers, the English exporter is quite as well off as before, while, as compared with the American, his position is greatly improved.

In proceeding to offer some observations upon the principle upon which taxation is imposed in Canada, the Minister of Finance may remark that the views of the Chamber of Commerce on the question of free trade, seem to be based upon the assumption that it



is both the principle and practice of Great Britain, and should be adopted by Canada irrespective of its financial necessities.

It certainly appears singular that Canada should be reproached with a departure from sound principles of finance when, in order to pay her just debts, she imposes higher duties on the articles she herself consumes and pays for, when in England itself the same means are resorted to, and no less than 28,000,000 *l.* sterling obtained from Customs duties, and 17,000,000 *l.* from Excise. If in Great Britain, where such an enormous amount of realized wealth exists, it has only as yet been found possible to raise one-sixth of the revenue by direct taxation, it need require no excuse if Canada has to raise her revenue almost wholly by indirect means.

Free trade in the abstract must be taken to mean the free exchange of the products of industry of all countries, or of the inhabitants of the same country, and it is perfectly immaterial whether that industry be applied to the production of a pound of sugar or tobacco, or of a tenpenny nail or a bushel of malt; it is equally an interference with the principle to levy Customs duties or Excise on any. But it is, and probably will continue to be impossible to abandon Customs duties or Excise as a means of revenue; they afford the means of levying large sums by the taxation of articles of consumption, distributing the burden in almost inappreciable quantities, and in one respect have this advantage, that if fairly imposed, each individual in the community contributes in a tolerably fair proportion to his means. In Great Britain it may be possible to adjust the taxation, so as to make realized property contribute more than it now does to the wants of the State, but in a country like Canada, no such resource exists, and it would be perfectly hopeless to attempt to raise the required revenue by direct taxation; we neither possess the required machinery to do it, nor are the people satisfied that it is the more correct principle. Customs duties must, therefore, for a long time to come, continue to be the principal source from which our revenue is derived.

Admitting, therefore, the necessity of raising a certain amount for the wants of the State, and that such amount can only be obtained through Customs duties, the Government of Canada, like that of Great Britain, have to consider how that necessary interference with the true principle of political economy can be effected with least disturbance to trade, and judging of the fiscal policy of the present Government by this rule, it is contended that, with some trifling exceptions which must arise in all human legislation, the Customs duties are imposed in the manner least calculated to disturb the free exchange of Canadian labour with that of other countries. A large class of articles, termed raw materials, are admitted free, amounting to 29 per cent. of the total imports. Another large class, consisting of iron, steel, metals, and articles entering into the construction of railways, houses, ships, and agricultural implements, &c. are admitted at 10 per cent. duty, leather and partially manufactured goods pay 15 per cent., manufactured goods, made from raw materials or articles paying 10 per cent. duty are admitted at 20 per cent., manufactured goods made from articles paying 15 per cent. duty are charged 25 per cent., but this is exceptional, and very limited, while luxuries, comprising wines, tobacco, cigars, and spices, &c., are charged at rates varying from 30 to 40 per cent., but the bulk are of 30 per cent.; spirits are charged 100 per cent., tea, sugar, and molasses pay 15 per cent. and 30 per cent.

The distribution of duties on the whole imports therefore stands thus:

|                                                 | Duties. | Imports.     |
|-------------------------------------------------|---------|--------------|
| Free goods - - - - -                            | -       | 29 per cent. |
| Goods paying 10 per cent. - - - - -             | 4½      | 6½ "         |
| " 15 " - - - - -                                | 7       | 6½ "         |
| " 20 " - - - - -                                | 61      | 41 "         |
| " 25 " - - - - -                                | 1½      | 1 "          |
| " Over 25 per cent. including spirits - - - - - | 9¾      | 4 "          |
| Tea, sugar, and molasses - - - - -              | 6½      | 12 "         |
|                                                 | 100     | 100 "        |

The foregoing statement will show that if the attempt were made to reduce the duty on manufactured goods paying 20 per cent., it would necessitate an advance on the other items, unless such reduction produced a corresponding increase in consumption to make good the deficiency. Assuming, then, that the duty were reduced from 20 to 10 per cent., it will not be contended that this reduction, though affecting the revenue one-half on these articles, would induce double the consumption; on the contrary, it is believed that it would not affect the consumption at all, as is borne out by the statistics of previous years, and of the present year. It would then become necessary to meet the deficiency by increased duties elsewhere; and in selecting the articles it is, in the first place, impossible to touch the bulk of the free goods, most of which are free under the Reciprocity Treaty, and the remainder entitled to continue free, according to sound principles of trade.

Passing to the next class of 10 per cent. goods, it will not, surely, be contended that the scale of duty should be raised on quasi-raw materials to a rate in excess of that imposed on manufactures. There is, then, nothing left but the articles paying over 25 per cent.; and it must be observed that they form only four per cent. of the imports, and pay 9½ per cent. of the duties; if, therefore, it were necessary to make good the deficiency arising from a reduction of duty on manufactures, the proportion of duty to the whole they would have to pay would be increased from 9½ per cent. to 40 per cent., and the average rate of duty on these articles, instead of 32 per cent. or thereabout, would be increased to nearly 130 per cent.

It is scarcely necessary to point out that such an increase would be utterly incompatible with revenue, and the result would be a financial failure.

On tea, sugar, &c., it has been found impossible to maintain higher duties than those now imposed, as they are free in the United States, and unfavourable comparisons are even now instituted by our agricultural population.

Apart from such modifications in detail, as experience may suggest, the Government of Canada believe that, in order to raise the revenue imperatively required to preserve the good faith of the province, and to maintain its institutions, the scale of Customs duties is not excessive, and that it has been adjusted in general accordance with sound principles of political economy. Reductions in the scale of duties can only take place as the increasing population and wealth of Canada swell the importations, and it will be a subject of the highest gratification to the present Government, when such reduction is possible.

(signed) A. T. Galt,

Minister of Finance.

Quebec, 25 October 1859.

N.B.—The values are all given in Halifax currency, except where the present decimal currency is used.

## APPENDIX.

STATEMENT of the Value of Goods imported into *Canada*, with the Amount of DUTY Collected thereon, from the Year 1841 to 30th September 1859 inclusive: also, the Value of free GOODS imported during same time.

| YEAR.                       | IMPORTS.   |    |    | DUTY.     |    |    | FREE GOODS.                           |    |    |
|-----------------------------|------------|----|----|-----------|----|----|---------------------------------------|----|----|
|                             | £.         | s. | d. | £.        | s. | d. | £.                                    | s. | d. |
| 1841 - - - - -              | 2,694,160  | 14 | 6  | 225,834   | 7  | 10 | 146,268                               | 17 | 8  |
| 1842 - - - - -              | 2,588,632  | 13 | 2  | 278,930   | 7  | 4  | 85,944                                | 2  | 4  |
| 1843 - - - - -              | 2,421,306  | 16 | 4  | 241,572   | 9  | -  | 13,526                                | 18 | -  |
| 1844 - - - - -              | 4,331,050  | 17 | 4  | 441,331   | 15 | 2  | 83,666                                | 10 | 4  |
| 1845 - - - - -              | 4,191,325  | 16 | 6  | 449,960   | 1  | 7  | 59,061                                | 17 | 4  |
| 1846 - - - - -              | 4,515,821  | 1  | 11 | 422,215   | 16 | 8  | 61,300                                | 10 | 8  |
| 1847 - - - - -              | 3,609,692  | 14 | 11 | 414,633   | 5  | 6  | Estimated<br>77,139 5 4<br>92,978 - - |    |    |
| 1848 - - - - -              | 3,191,328  | 5  | 10 | 334,029   | 8  | 9  |                                       |    |    |
| £.                          | 27,543,319 | -  | 6  | 2,808,507 | 11 | 10 | 619,886                               | 1  | 8  |
| 1849 - - - - -              | 3,002,891  | 18 | 3  | 444,547   | 5  | 1  | 269,200                               | 7  | 9  |
| 1850 - - - - -              | 4,245,517  | 3  | 6  | 615,694   | 13 | 8  | 294,133                               | 7  | 2  |
| 1851 - - - - -              | 5,358,697  | 12 | 7  | 737,439   | -  | 2  | 425,671                               | 5  | 9  |
| 1852 - - - - -              | 5,071,623  | 3  | 11 | 739,263   | 12 | 9  | 311,962                               | 17 | 6  |
| 1853 - - - - -              | 7,995,359  | 1  | 1  | 1,026,676 | 15 | 7  | 443,977                               | 18 | -  |
| 1854 - - - - -              | 10,132,331 | 6  | 9  | 1,224,751 | 4  | 8  | 703,435                               | 17 | -  |
| £.                          | 35,806,420 | 6  | 1  | 4,790,372 | 11 | 11 | 2,448,881                             | 13 | 2  |
| 1855 - - - - -              | 9,021,542  | 7  | 3  | 881,445   | 12 | 6  | 2,596,383                             | 13 | 8  |
| 1856 - - - - -              | 10,896,096 | 16 | 2  | 1,127,220 | 10 | 5  | 2,997,941                             | 14 | 9  |
| 1857 - - - - -              | 9,857,649  | 11 | 9  | 981,262   | 15 | 11 | 3,101,976                             | 1  | 7  |
| 1858 - - - - -              | 7,269,631  | 15 | -  | 845,347   | 7  | 7  | 2,093,403                             | 10 | -  |
| £.                          | 37,044,920 | 10 | 2  | 3,835,276 | 6  | 5  | 10,789,705                            | -  | -  |
| 1859 to 30th September - £. | 6,574,128  | 5  | -  | 888,946   | 15 | 4  | 1,015,603                             | -  | -  |

Inspector General's Office,  
Customs Department, Quebec,  
22 October 1859.



STATEMENT of the Value of Goods imported into *Canada*, and the DUTIES collected thereon, for Nine Months to 30th September 1859, showing the relative per Centage which the Values and the Duties, at the different Rates of Duty, 'bear to the whole Importations, and the whole Amount of Duties.

| RATE OF DUTY.                            | VALUES.      |                     | DUTY.             |                     |
|------------------------------------------|--------------|---------------------|-------------------|---------------------|
|                                          | Amount.      | Per-centage.        | Amount.           | Per-centage.        |
|                                          | <i>Dols.</i> |                     | <i>Dols. cts.</i> |                     |
| 5 and 10 per cent. - - - -               | 1,680,811    | 6 $\frac{40}{100}$  | 160,626 80        | 4 $\frac{52}{100}$  |
| 15 per cent. - - - - -                   | 1,722,735    | 6 $\frac{55}{100}$  | 258,293 27        | 7 $\frac{26}{100}$  |
| 20 - ditto - - - - -                     | 10,784,512   | 41                  | 2,157,205 76      | 60 $\frac{67}{100}$ |
| 25 - ditto - - - - -                     | 216,917      | $\frac{83}{100}$    | 54,049 25         | 1 $\frac{62}{100}$  |
| Tea, sugar, and molasses { Specific, and | 3,142,974    | 11 $\frac{95}{100}$ | 579,921 04        | 16 $\frac{81}{100}$ |
| Other articles - - - { over 25 per       | 1,087,372    | 4 $\frac{13}{100}$  | 345,707 60        | 9 $\frac{72}{100}$  |
| Free goods - - - - -                     | 7,662,412    | 29 $\frac{14}{100}$ | —                 | —                   |
| TOTAL - - - <i>Dols.</i>                 | 26,296,513   | 100                 | 3,555,803 72      | 100                 |

Inspector General's Office,  
Customs Department, Quebec,  
22 October 1859.

#### REPORT of the Inspector General of *Canada*.

To His Excellency the Right Honourable Sir Edmund Walker Head, Baronet, one of the Most Honourable Privy Council, Governor General of British North America, &c., &c.

May it please your Excellency,

I HAVE now the honour to submit the public accounts of the province of Canada during the year 1858.

The Report of the Board of Audit, certifying the accuracy of the accounts, is also herewith submitted.

By this Report it will be observed that several important alterations have been made in the form in which the accounts have hitherto been prepared. Under the present system every item of expenditure and income is set forth in Statement No. 3, and the particulars of expenditure in Statement No. 12. It is therefore no longer necessary to refer to the subsidiary statements to acquire a knowledge of the transactions of the year. They will occupy their proper position of showing the exact state of each special account.

By the Statement No. 3, it will be seen that—

|                                        |              |             |
|----------------------------------------|--------------|-------------|
|                                        | <i>Dols.</i> | <i>cts.</i> |
| The gross expenditure has been - - - - | 11,403,587   | 44          |
| And the gross income - - - - -         | 10,271,291   | 81          |
| The deficit of - - - - -               | 1,132,295    | 63          |

having been met by the altered state of the cash balances at 1st January 1858 and 1st January 1859, viz.

|                                                                                                  |              |             |
|--------------------------------------------------------------------------------------------------|--------------|-------------|
|                                                                                                  | <i>Dols.</i> | <i>cts.</i> |
| Balance of cash and securities on hand, less balances due bankers, at 1st January 1858 - - - - - | 847,495      | 53          |
| Balances due bankers, less cash and securities on hand at 1st January 1859 - - - - -             | 284,800      | 10          |
| \$.                                                                                              | 1,132,295    | 63          |

This statement includes, however, several large items both of expenditure and income, which do not properly belong to the ordinary service of the year, and it is therefore necessary to furnish an analysis thereof, viz. :—

|                                                                                                                                | <i>Dols.</i> | <i>cts.</i> | <i>Dols.</i> | <i>cts.</i> | <i>Dols.</i> | <i>cts.</i> |
|--------------------------------------------------------------------------------------------------------------------------------|--------------|-------------|--------------|-------------|--------------|-------------|
| The Gross Expenditure has been - - -                                                                                           | -            | -           | -            | -           | 11,403,587   | 44          |
| From which must be deducted, Payments out of the Trust Funds in the hands of the Province, viz. :—                             |              |             |              |             |              |             |
| Roads and bridges - - - - -                                                                                                    | 68,402       | 25          |              |             |              |             |
| Seignorial Fund - - - - -                                                                                                      | 298,351      | 37          |              |             |              |             |
| Municipalities Fund - - - - -                                                                                                  | 344,450      | 78          |              |             |              |             |
| Debentures purchased for trust funds - -                                                                                       | 270,949      | 67          |              |             |              |             |
| Indian Fund - - - - -                                                                                                          | 113,020      | 28          |              |             |              |             |
| Grammar School Fund - - - - -                                                                                                  | 13,456       | 21          |              |             |              |             |
| Educational Fund, Lower Canada - -                                                                                             | 20,746       | 89          |              |             |              |             |
| Subsidiary lines - - - - -                                                                                                     | 263,578      | 63          |              |             |              |             |
| Collection of trust funds - - - - -                                                                                            | 14,816       | 50          |              |             |              |             |
| Miscellaneous - - - - -                                                                                                        | 8,264        | 43          |              |             |              |             |
|                                                                                                                                |              |             | 1,416,037    | 10          |              |             |
| Payments in Redemption of Public Debt:                                                                                         |              |             |              |             |              |             |
| Debentures redeemed - - - - -                                                                                                  | 204,753      | 34          |              |             |              |             |
| Sinking Fund for Imperial Loan - - -                                                                                           | 434,880      | 80          |              |             |              |             |
|                                                                                                                                |              |             | 639,634      | 14          |              |             |
| Payments for public works, authorised to be covered by issue of debentures - - -                                               | -            | -           | 533,319      | 89          |              |             |
| Advances for the purchase of new coinage -                                                                                     | 340,666      | 68          |              |             |              |             |
| Advances to railways and others - - -                                                                                          | 163,345      | 33          |              |             |              |             |
|                                                                                                                                |              |             | 504,012      | 01          |              |             |
|                                                                                                                                |              |             |              |             | 3,093,003    | 14          |
| BALANCE, comprehending the Payment of every Provincial Engagement, either direct or indirect - - -                             | -            | -           | -            | -           | 8,310,584    | 30          |
| The Gross Income has been - - - - -                                                                                            | -            | -           | -            | -           | 16,271,291   | 81          |
| From which must be deducted, Receipts on account of Trust Funds in charge of the Province, viz. :—                             |              |             |              |             |              |             |
| Upper Canada Building Fund - - - - -                                                                                           | 70,882       | 87          |              |             |              |             |
| Seignorial tenure - - - - -                                                                                                    | 540          | 61          |              |             |              |             |
| Municipalities Fund - - - - -                                                                                                  | 122,618      | 76          |              |             |              |             |
| Uncommuted stipends - - - - -                                                                                                  | 10,968       | 00          |              |             |              |             |
| Improvement Fund, Upper Canada - - -                                                                                           | 26,019       | 36          |              |             |              |             |
| Common School Land Fund - - - - -                                                                                              | 47,583       | 29          |              |             |              |             |
| Grammar School Fund - - - - -                                                                                                  | 31,157       | 60          |              |             |              |             |
| Educational Fund, Lower Canada - - -                                                                                           | 34,809       | 70          |              |             |              |             |
| Indian Fund - - - - -                                                                                                          | 161,708      | 06          |              |             |              |             |
| Tavern licenses, Lower Canada - - -                                                                                            | 2,970        | 94          |              |             |              |             |
| Copyright - - - - -                                                                                                            | 650          | 39          |              |             |              |             |
| Montreal District Council - - - - -                                                                                            | 305          | 12          |              |             |              |             |
| Subsidiary lines - - - - -                                                                                                     | 531,683      | 33          |              |             |              |             |
|                                                                                                                                |              |             | 1,041,898    | 03          |              |             |
| Increase of Public Debt:                                                                                                       |              |             |              |             |              |             |
| Debentures issued - - - - -                                                                                                    | 1,959,186    | 66          |              |             |              |             |
| Repayment of loan by Great Western Railroad - - - - -                                                                          | 756,833      | 33          |              |             |              |             |
| Sinking Fund ditto - - - - -                                                                                                   | 8,400        | 00          |              |             |              |             |
|                                                                                                                                |              |             | 2,724,419    | 99          |              |             |
| Repayment of advances made in 1857 and 1858 - - - - -                                                                          | -            | -           | 730,000      | 00          |              |             |
|                                                                                                                                |              |             |              |             | 4,496,318    | 02          |
| BALANCE, comprehending all Sources of Revenue applicable to meet the direct and indirect Engagements of the Province - - - - - | -            | -           | -            | -           | 5,774,973    | 79          |



| The foregoing Analysis gives the following Result for the Ordinary Service and Income of 1858 :—                                                                                                                                                                                            |   |   |   | <i>Dols.</i> | <i>cts.</i> | <i>Dols.</i> | <i>cts.</i> | <i>Dols.</i> | <i>cts.</i>  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|--------------|-------------|--------------|-------------|--------------|--------------|
| Expenditure                                                                                                                                                                                                                                                                                 | - | - | - | -            | -           | 8,310,584    | 30          |              |              |
| Revenue                                                                                                                                                                                                                                                                                     | - | - | - | -            | -           | 5,774,973    | 79          |              |              |
| Deficit                                                                                                                                                                                                                                                                                     | - | - | - | -            | -           | 2,535,610    | 51          |              |              |
| (But from this amount may be deducted the repayment of railroad advances, inasmuch as the same formed part of the deficiency of 1857, and were then provided for).                                                                                                                          |   |   |   |              |             |              |             |              |              |
| Advances repaid                                                                                                                                                                                                                                                                             | - | - | - | -            | -           | 730,000      | 00          |              |              |
| Less, made in 1858                                                                                                                                                                                                                                                                          | - | - | - | -            | -           | 163,345      | 33          |              |              |
|                                                                                                                                                                                                                                                                                             |   |   |   |              |             | 566,654      | 67          |              |              |
| Actual Cash Deficit                                                                                                                                                                                                                                                                         | - | - | - | -            | -           | -            | -           | 1,968,955    | 84           |
| Which has been provided for as follows:—                                                                                                                                                                                                                                                    |   |   |   |              |             |              |             |              |              |
| Increase of Public Debt by Debentures issued                                                                                                                                                                                                                                                |   |   |   |              |             | 1,959,186    | 66          |              |              |
| Increase by repayment in cash of part of loan to Great Western Railroad, the debentures for which were issued in 1854, and already form part of Public Debt, being now transferred from the indirect debt to the direct debt of the Province, and also 8,400 dollars paid into Sinking Fund | - | - | - | -            | -           | 765,233      | 33          |              |              |
|                                                                                                                                                                                                                                                                                             |   |   |   |              |             | 2,724,419    | 99          |              |              |
| Less Decrease, as shown in analysis                                                                                                                                                                                                                                                         | - | - | - | -            | -           | 639,634      | 14          |              |              |
| Also, for permanent public works for which debentures are authorised, and forming part of issue                                                                                                                                                                                             | - | - | - | -            | -           | 533,319      | 89          |              |              |
|                                                                                                                                                                                                                                                                                             |   |   |   |              |             | 1,172,954    | 03          |              |              |
| Deduct payments on account of Trust Fund                                                                                                                                                                                                                                                    | - | - | - | -            | -           | 1,416,037    | 10          | 1,151,465    | 96           |
| Less receipts                                                                                                                                                                                                                                                                               | - | - | - | -            | -           | 1,041,898    | 03          |              |              |
|                                                                                                                                                                                                                                                                                             |   |   |   |              |             | 374,139      | 07          |              |              |
| New coinage, which may be regarded as really cash                                                                                                                                                                                                                                           | - | - | - | -            | -           | 340,666      | 68          |              |              |
|                                                                                                                                                                                                                                                                                             |   |   |   |              |             | 714,805      | 75          |              |              |
| Differences in cash balances at 1st January 1858 and 1st January 1859, as before shown                                                                                                                                                                                                      | - | - | - | -            | -           | -            | -           | 836,660      | 21           |
|                                                                                                                                                                                                                                                                                             |   |   |   |              |             | -            | -           | 1,132,295    | 63           |
| The Total Increase of the Provincial Liabilities in 1858 is thus shown to have been                                                                                                                                                                                                         |   |   |   |              |             | -            | -           | Dols.        | 1,968,955 84 |

In explanation of this large deficit, it is my duty to advert to the fact that, owing to the very serious and general depression of trade consequent upon the recent commercial crisis, but in Canada more especially attributable to the bad harvests of 1857 and 1858, the imports of the country have enormously decreased. They were, in

|      | <i>Dols.</i> | <i>cts.</i> |
|------|--------------|-------------|
| 1856 | 43,584,387   | 23          |
| 1857 | 39,430,598   | 35          |
| 1858 | 29,078,527   | 00          |

These returns sufficiently show that the country generally has been exercising a wise economy in every article of consumption, and this result must ultimately be fraught with great advantage. The immediate effect has, however, been to produce a serious falling off in the revenue from Customs, which was, in

|      | <i>Dols.</i> | <i>cts.</i> |
|------|--------------|-------------|
| 1856 | 4,508,882    | 08          |
| 1857 | 3,925,051    | 19          |
| 1858 | 3,368,157    | 76          |

The same causes have operated to reduce the revenue from all other sources. They are, as follows: in 1858—

|                                      | <i>Dols.</i> | <i>cts.</i> |
|--------------------------------------|--------------|-------------|
| Public Works                         | 400,727      | 17          |
| Territorial                          | 415,372      | 68          |
| Post Office                          | 295,395      | 76          |
| Other revenues, of Consolidated Fund | 867,878      | 77          |
| Receipts from other sources          | 427,441      | 67          |

The expenditure, instead of being capable of similar reduction, has been largely increased, from the failure of local revenues having thrown upon the province the temporary supply of funds to meet engagements for which the general revenue was not strictly liable. This has been especially manifest in the case of the Consolidated Municipal Loan Fund. The local municipalities suffering directly from the pressure upon the rate-payers, have been in many cases unable to meet the interest upon the debentures issued on their account; and the Government have been required to advance the necessary funds, to prevent a failure in their payment of the interest.

|                                    |   |   |   |   | <i>Dols.</i> | <i>cts.</i> |
|------------------------------------|---|---|---|---|--------------|-------------|
| In 1857 the amount so advanced was | - | - | - | - | 159,096      | 55          |
| In 1858 it has been                | - | - | - | - | 368,503      | 51          |

These advances have been made under circumstances of peculiar pressure, which, when removed, will relieve the general revenue from this charge, as the province has never assumed these debts as engagements of its own, and must look on a revival of trade to their resumption by the municipalities, who have received the benefit of the loans, and on whose united security the bonds have been issued.

A very large, and, it may be found, a more permanent charge upon the resources of the province, has, however, been created through the guarantees granted in 1852, 1853, and 1854, to the Grand Trunk Railroad, and the Ontario, Simcoe and Huron Railroad. In the former case, Parliament has assumed the payment of the interest on their advance for an indefinite period; and, in the latter case, it may be feared that for some time to come, the province will also have to provide the interest on its bonds issued in aid of the undertaking. These liabilities have amounted, in 1858, to \$. 1,061,756. 87.

The outlay upon public works authorised to be met by the issue of debentures has been \$. 533,319. 89. The greater part of this expenditure has arisen from enlargement and improvement of the canals, lighthouses, and necessary surveys in connection with the important question of establishing the best route for western produce to reach the sea-board. There can be no doubt that a large portion of this outlay is not directly remunerative, and had it been possible wholly to arrest it during a temporary period of financial depression, it would have been desirable to have done so. But considering that these works form part of a system, upon which the province has already incurred almost the whole of its indebtedness, it would not have been politic, had it even been possible, to have stopped these works. In the case of surveys, it is the more valuable, as enabling Parliament hereafter to decide intelligently upon any future expenditure.

#### ORDINARY EXPENDITURE.

THE establishment of the Ocean line of steamships has added an annual charge of \$. 220,000, which may be expected to be gradually met by the ocean postage, but must, for a considerable time, require provision from the ordinary revenue. The same remark applies to the tug service, which costs annually \$. 90,400.; amount in 1858 was \$. 217,555. 10.

The transfer of the ordnance lands to the province, has entailed a heavy charge for the maintenance of an active militia organisation, costing in 1858, with the enrolled pensioners now disbanded, \$. 162,351. 54.

The province has received a very large amount of valuable property in consideration of these services, but it will require time to realise it; and meantime the burden has wholly fallen on the revenue. This charge may, however, be largely reduced in 1859, and from the sale of the ordnance property, it is hoped, the militia force will soon be self-sustaining.

The expenses of legislation in 1858, amounted to \$. 684,442. 27. But in this sum are included the costs of a general election for the House of Assembly, and also the election of 12 members for the Upper House, together being \$. 66,691. 89.

This item may therefore be regarded as exceptional, and it may also be expected that, as the Session of 1858 proved of unusual duration, a very considerable reduction will take place on the average cost of legislation.

|                                             |   |   |   |   | <i>Dols.</i> | <i>cts.</i> |
|---------------------------------------------|---|---|---|---|--------------|-------------|
| The administration of justice cost, in 1858 | - | - | - | - | 608,359      | 24          |
| And police -                                | - | - | - | - | 41,931       | 01          |
| Penitentiary and reformatory prisons        | - | - | - | - | 61,600       | 00          |
|                                             |   |   |   |   | <i>Dols.</i> | <i>cts.</i> |
|                                             |   |   |   |   | 711,890      | 25          |

On the first item it is expected that the effect of recent legislation will be to produce a considerable and gradual reduction. The charge for police will also be reduced during 1859; but the establishment of the reformatory prisons will cause some increased charge for the future under this head.

The



The educational, charitable, scientific, and agricultural societies' grants during 1858, amounted as follows:—

|                                                 | <i>Dols.</i> | <i>cts.</i> |
|-------------------------------------------------|--------------|-------------|
| Education, exclusive of trust funds - - - - -   | 495,162      | 11          |
| Charitable - - - - -                            | 194,988      | 65          |
| Scientific and geological - - - - -             | 52,927       | 64          |
| Agricultural societies and statistics - - - - - | 135,648      | 68          |
| Indian annuities and pensions - - - - -         | 76,359       | 64          |
| <i>Dols.</i>                                    | 955,086      | 72          |

The remaining items of the expenditure, irrespective of the public debt and its management, may be divided into three classes.

Collection of revenue of all branches (excepting post office) including casual repairs of Public Works yielding a revenue, and survey of Public Lands, have cost in 1858,—

|                                 | <i>Dols.</i> | <i>cts.</i> |
|---------------------------------|--------------|-------------|
| Customs - - - - -               | 341,863      | 37          |
| Excise - - - - -                | 16,290       | 00          |
| Public Works - - - - -          | 270,572      | 18          |
| Public Lands - - - - -          | 221,316      | 95          |
| Fines and forfeitures - - - - - | 11,887       | 65          |
| Casual - - - - -                | 33           | 00          |
| Special funds - - - - -         | 2,401        | 59          |
| <i>Dols.</i>                    | 864,364      | 74          |

|                                                                                                                                   |              |             |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------|-------------|
| Expenses of Civil Government, including emigration fisheries, and all charges not specially applicable, otherwise have been - - - | <i>Dols.</i> | <i>cts.</i> |
|                                                                                                                                   | 613,995      | 11          |

Much of which is provided for by special charges for the service as appears in the returns of revenue.

|                                                                                                                 |         |    |
|-----------------------------------------------------------------------------------------------------------------|---------|----|
| Expenses of maintenance of public works and buildings, light-houses, coast service, roads and bridges - - - - - | 436,811 | 53 |
| The Post Office charge of - - - - -                                                                             | 565,636 | 37 |

Must be regarded as exceptional; as it includes a large amount on account of arrears of former years, and the settlement of claims by the railway companies for carriage of the mails.

|                                                               |         |    |
|---------------------------------------------------------------|---------|----|
| The two former classes of outlay, collection of revenue - - - | 864,364 | 74 |
| Civil Government - - - - -                                    | 613,995 | 11 |

may it is hoped, be gradually reduced, without impairing, but rather adding to the efficiency of the service; and measures are in progress for attaining this end, for some of which the sanction of Parliament will require to be obtained.

The only remaining item of expenditure, is that for interest on the public debt, and its management, which was in 1858—

|                                                                        | <i>Dols.</i> | <i>cts.</i> |
|------------------------------------------------------------------------|--------------|-------------|
| Interest - - - - -                                                     | 3,030,899    | 25          |
| Management, including exchange - - - - -                               | 67,551       | 42          |
|                                                                        | 3,098,450    | 67          |
| Of this amount, the direct debt of the province—                       | <i>Dols.</i> | <i>cts.</i> |
| Constituted - - - - -                                                  | 1,236,376    | 45          |
| Management, including exchange - - - - -                               | 51,085       | 21          |
|                                                                        | 1,287,461    | 66          |
| Leaving, as paid on indirect indebtedness - - - - -                    | 1,810,989    | 01          |
| On account of which there was received from—                           |              |             |
| Great Western Railroad - - - - -                                       | 227,088      | 40          |
| Municipal loan fund, west and east - - - - -                           | 151,932      | 56          |
| Sundry minor accounts - - - - -                                        | 30,093       | 73          |
|                                                                        | 409,114      | 69          |
| Leaving, as the amount advanced in 1858 by the province - <i>Dols.</i> | 1,401,874    | 32          |

| The detail of the advance is thus shown— |   |   |   |   |   | <i>Dols.</i> | <i>cts.</i> | <i>Dols.</i> | <i>cts.</i> |
|------------------------------------------|---|---|---|---|---|--------------|-------------|--------------|-------------|
| Railway advances                         | - | - | - | - | - | 1,260,459    | 21          |              |             |
| Less Great Western                       | - | - | - | - | - | 227,088      | 40          | 1,033,370    | 81          |
|                                          |   |   |   |   |   |              |             |              |             |
| Municipal loan fund, west and east       | - | - | - | - | - | 520,436      | 07          |              |             |
| Less received                            | - | - | - | - | - | 151,932      | 56          | 368,503      | 51          |
|                                          |   |   |   |   |   |              |             |              |             |
|                                          |   |   |   |   |   | <i>Dols.</i> |             | 1,401,874    | 32          |

Of this large sum, that paid on account of the railways cannot be subject to immediate reduction, but in the case of the Municipal Loan Fund and other loans, it has been already remarked that with reviving prosperity, the general revenue may expect to obtain considerable relief in the current and future years.

On the subject of the public debt, it is necessary to offer some remarks in consequence of the exceptional circumstances attendant on the transactions of 1857 and 1858; which, owing to a sudden diminution in revenue, occurring simultaneously with the necessary assumption of very large and unexpected charges, have caused a serious deficiency in both years, and a consequent resort to loans to meet it.

The direct public debt of Canada is \$. 24,430,975. 17., which has been created almost wholly for the great canals and other works of national improvement.

The expenditure upon these works is shown by the statement of assets and liabilities of the province, at 31st December 1858, to have been—

|                                                                                                                                                           | <i>Dols.</i> | <i>cts.</i> | <i>Dols.</i> | <i>cts.</i>   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------|--------------|---------------|
| Welland and St. Lawrence Canals                                                                                                                           | -            | -           | 14,155,206   | 35            |
| Other canals                                                                                                                                              | -            | -           | 2,766,146    | 40            |
| Harbours and light-houses                                                                                                                                 | -            | -           | 2,817,057    | 92            |
| Roads and bridges                                                                                                                                         | -            | -           | 1,610,267    | 34            |
| Miscellaneous                                                                                                                                             | -            | -           | 1,326,346    | 21            |
|                                                                                                                                                           | <i>Dols.</i> |             | 22,675,024   | 22            |
| There has also been charged against the Consolidated Fund for works which have proved unproductive, or which have been transferred to the municipalities  |              |             | 1,982,039    | 70            |
| And there now stands at the credit of the Sinking Fund for the Imperial Loan                                                                              | -            | -           | 3,752,843    | 22            |
| <b>TOTAL</b>                                                                                                                                              | <i>Dols.</i> | -           | -            | 28,409,907 14 |
| While the existing direct public debt incurred for these works, and including all sums raised up to this time to meet the deficiency of 1857 and 1858, is |              |             | 24,430,975   | 17            |
| Whereof Statement 1 shows to be held on account of the Consolidated Fund                                                                                  | -            | -           | 621,726      | 68            |
|                                                                                                                                                           |              |             |              | 23,809,248 49 |
| <b>Leaving</b>                                                                                                                                            | <i>Dols.</i> | -           | -            | 4,600,658 65  |

which has been paid out of surplus revenue, up to 31st December 1858, after adding the whole deficiency of the two last years.

This statement will abundantly prove that the policy of Canada has not been that of providing by loans for temporary wants, but that in reality, after meeting every engagement up to 31st December 1858, there remains the sum of 4,600,658 dollars taken from ordinary revenue, and applied to permanent works now belonging to the province.

The indirect debt of the province appears by Statement No. 1, to be—

|                                                                                    | <i>Dols.</i> | <i>cts.</i>   |
|------------------------------------------------------------------------------------|--------------|---------------|
| Railways                                                                           | -            | 20,295,098 47 |
| Municipal Loan Fund                                                                | -            | 9,057,792 00  |
| Sundries                                                                           | -            | 1,169,684 85  |
|                                                                                    | <i>Dols.</i> | 30,522,575 32 |
| On account of railroads                                                            | -            | 20,295,098 47 |
| Of which the advance to the Great Western Railroad can alone be regarded as secure | -            | 2,810,500 00  |
| <b>Leaving</b>                                                                     | <i>Dols.</i> | 17,484,598 47 |



for which the province may have ultimately to provide; meantime advancing the interest.

The advance of this sum has induced the investment by private capitalists of at least 60,000,000 dollars in the Grand Trunk, Great Western, and Northern Railroads, and has thereby secured an uninterrupted railway communication throughout the entire length of the province, comprising, with their branches, about 1,250 miles of rail. It will not be disputed, that although the unfortunate disappointment in traffic has caused the Grand Trunk and Northern Railways to become a charge upon the provincial revenue, yet Canada has, in every other respect, very largely benefited by these works, and indirectly obtains a return upon her advances, through the diminished cost and increased facility with which the whole business of the country is now carried on; while there is good ground to hope that ultimately the increase of population and trade may place both these railroads in a position to assume the charges, which for the present devolve upon the province.

The remaining portion of the indirect provincial debt has mainly arisen from loans contracted by municipalities under the Consolidated Municipal Loan Fund Act, and respecting which I have already remarked, that returning prosperity will relieve the province from the principal weight of this obligation. The amount at 31st December 1858, was—

|              |   |   |   |   |   |   |   |   |   | <i>Dols.</i> | <i>cts.</i> |
|--------------|---|---|---|---|---|---|---|---|---|--------------|-------------|
| Upper Canada | - | - | - | - | - | - | - | - | - | 7,294,792    | 00          |
| Lower Canada | - | - | - | - | - | - | - | - | - | 1,763,000    | 00          |
|              |   |   |   |   |   |   |   |   |   | <i>Dols.</i> |             |
|              |   |   |   |   |   |   |   |   |   | 9,057,792    | 00          |

The Act permitting these debts to be contracted limits the amount to be issued to \$. 14,600,000, to be equally divided between Upper and Lower Canada. And, looking at the operation of the law up to this time, it may appear proper to the Legislature to restrict the issue of the remainder of the loans, especially in connexion with the ultimate and complete abrogation of the Seigniorial tenure in Lower Canada, for which it may be necessary to make legislative provision. The payment in 1858, from the Seigniorial Tenure Fund of \$. 298,351. 37. although including a large sum for the expenses of the Commutation Commission, would seem to indicate that the amount required in extinguishment of the feudal tenure will largely exceed the present fund, and in justice alike to the Seigneur and Censitaire, whose title to their property has been entirely changed by the Legislature from motives of public policy, it does not appear possible to avoid incurring further liability, in which view it may be considered desirable to relieve the province from a certain part of its indirect liability, connected with the future extension of the Consolidated Municipal Loan Fund Debt. Canada will thus succeed, at a very moderate outlay, in achieving the complete freedom of her territory from the oppressive burden of the feudal tenure, which has in no other country been ever shaken off, without the most prolonged, expensive, and bloody conflict; and her people, instead of remaining worn out and exhausted with the struggle, will at once feel the beneficial results of the change, and by increased energy, freedom, and intelligence, far more than compensate the province for the pecuniary charge by which the object has been attained.

In conclusion, I have the satisfaction to state, that by a moderate addition to the existing duties on Customs, combined with considerable reduction in almost every branch of the Public Service, it is my opinion that the expenditure for 1859 will be brought within the revenue; and should no continued failure of the harvest occur, it is my confident hope that the province will be found to have passed through the trying period of recent depression, with certainly as little difficulty as any other country in the world.

All which is respectfully submitted.

Toronto, March 1859.

(signed) *A. T. Galt,*  
Inspector-General.

**GENERAL ESTIMATE of the Probable Amount of the PUBLIC EXPENDITURE and also of the GROSS REVENUE of the Province of Canada, for the Year 1859.**

| PAYMENTS.                                                           | Actual Expenditure in 1858. |      | Estimate for 1859. |      | RECEIPTS.                                                      | Actual Receipts in 1858. |      | Estimate for 1859. |      |
|---------------------------------------------------------------------|-----------------------------|------|--------------------|------|----------------------------------------------------------------|--------------------------|------|--------------------|------|
|                                                                     | Dols.                       | cts. | Dols.              | cts. |                                                                | Dols.                    | cts. | Dols.              | cts. |
| Interest on Public Debt - - - -                                     | 3,030,899                   | 25   | 3,050,000          | 00   | ORDINARY REVENUES:                                             |                          |      |                    |      |
| Charges of Management - - - -                                       | 56,738                      | 70   | 50,000             | 00   | Customs - - - - -                                              | 3,368,157                | 76   | 5,200,000          | 00   |
| Sinking Fund - - - - -                                              | 434,880                     | 80   | 270,000            | 00   | Excise - - - - -                                               | 138,760                  | 22   | 200,000            | 00   |
| Discount - - - - -                                                  | 30,942                      | 85   | 00                 | 00   | Post Office - - - - -                                          | 295,395                  | 76   | 350,000            | 00   |
| Exchange - - - - -                                                  | 10,812                      | 72   | 00                 | 00   | Public Works - - - - -                                         | 400,727                  | 15   | 450,000            | 00   |
| Civil Government - - - - -                                          | 394,735                     | 51   | 350,000            | 00   | Territorial - - - - -                                          | 415,372                  | 68   | 400,000            | 00   |
| Administration of Justice, East -                                   | 360,883                     | 56   | 320,000            | 00   | Casual - - - - -                                               | 12,856                   | 08   | 15,000             | 00   |
| Ditto - - ditto - West - - -                                        | 247,475                     | 68   | 245,000            | 00   | Quebec Fire Loan - - - - -                                     | 729                      | 76   | 00                 | 00   |
| Police - - - - -                                                    | 41,931                      | 01   | 25,000             | 00   | Interest on Investments - - - -                                | 46,599                   | 21   | 46,000             | 00   |
| Provincial Penitentiary and Reformatory Prisons - - - - -           | 61,600                      | 00   | 75,000             | 00   | Sinking Fund Interest, and gain on Investments - - - - -       | 142,880                  | 80   | 120,000            | 00   |
| Legislation - - - - -                                               | 684,442                     | 27   | 385,000            | 00   | Bank Imposts - - - - -                                         | 45,208                   | 41   | 75,000             | 00   |
| Education, East - - - - -                                           | 304,734                     | 42   | 225,000            | 00   | Law Fees, 22 Vict. c.c. 63 and 64 - -                          | 42,176                   | 22   | 42,000             | 00   |
| Ditto - West - - - - -                                              | 224,630                     | 79   | 225,000            | 00   | Fines and Forfeitures - - - - -                                | 20,845                   | 54   | 21,000             | 00   |
| Literary and Scientific Institutions -                              | 33,360                      | 98   | 15,000             | 00   | Premium - - - - -                                              | 239,568                  | 75   | 00                 | 00   |
| Hospitals and Charities - - - -                                     | 194,988                     | 65   | 200,000            | 00   | SPECIAL REVENUES:                                              |                          |      |                    |      |
| Geological Survey - - - - -                                         | 19,566                      | 66   | 18,000             | 00   | Law Fees, Upper Canada, 8 Vict. c. 13 -                        | 35,618                   | 24   | 35,000             | 00   |
| Militia and Enrolled Force - - -                                    | 162,351                     | 54   | 75,000             | 00   | Law Fees, Lower Canada, 13 Vict. c. 37                         | 59,710                   | 58   | 60,000             | 00   |
| Arts, Agriculture, and Statistics - -                               | 24,616                      | 36   | 10,000             | 00   | Tonnage Duties, Quebec and Montreal (Mariner's Fund) - - - - - | 8,360                    | 40   | 8,000              | 00   |
| Agricultural Societies - - - -                                      | 111,032                     | 32   | 60,000             | 00   | Passenger's Duty - - - - -                                     | 11,418                   | 77   | 10,000             | 00   |
| Emigration and Quarantine - - - -                                   | 49,982                      | 67   | 25,000             | 00   | Tonnage Duties, Quebec (River Police)                          | 8,514                    | 40   | 9,000              | 00   |
| Pensions - - - - -                                                  | 45,339                      | 64   | 45,000             | 00   | Culler's Funds - - - - -                                       | 49,338                   | 13   | 50,000             | 00   |
| Indian Annuities - - - - -                                          | 31,020                      | 00   | 31,000             | 00   | Steamboat Inspection - - - - -                                 | 5,293                    | 26   | 6,000              | 00   |
| Public Works and Buildings (exclusive of Permanent Works) - - - - - | 187,030                     | 58   | 150,000            | 00   | GUARANTEED AND ADVANCE ACCOUNTS:                               |                          |      |                    |      |
| Rents, Repairs, &c. (exclusive of Permanent Works) - - - - -        | 38,305                      | 51   | 40,000             | 00   | Municipal Loan Fund, Upper Canada -                            | 140,198                  | 29   | 200,000            | 00   |
| Roads and Bridges, exclusive of Trust Funds - - - - -               | 94,859                      | 73   | 50,000             | 00   | Ditto - - ditto Lower Canada -                                 | 11,734                   | 27   | 150,000            | 00   |
| Ocean and River Steam Service - -                                   | 217,555                     | 10   | 250,000            | 00   | Law Society, Upper Canada - - -                                | 10,191                   | 09   | 10,000             | 00   |
| Lighthouses and Coast Service - -                                   | 116,615                     | 71   | 110,000            | 00   | Court Houses, Lower Canada - - -                               | 25,135                   | 05   | 25,000             | 00   |
| Fisheries - - - - -                                                 | 15,628                      | 76   | 15,000             | 00   | Upper Canada, Building Fund - - -                              | 12,138                   | 00   | 12,000             | 00   |
| Culling Timber - - - - -                                            | 50,198                      | 13   | 50,000             | 00   | Quebec Fire Loan - - - - -                                     | 72                       | 01   | 00                 | 00   |
| Railway and Steamboat Inspections -                                 | 14,778                      | 66   | 8,000              | 00   | Repayment of Advances - - - -                                  | -                        | -    | 70,000             | 00   |
| Advances - - - - -                                                  | 163,345                     | 33   | 00                 | 00   | Great Western Railroad Interest - -                            | 227,088                  | 40   | 170,000            | 00   |
| Miscellaneous - - - - -                                             | 57,728                      | 53   | 55,000             | 00   |                                                                |                          |      |                    |      |
| Collection of Revenue:                                              |                             |      |                    |      |                                                                |                          |      |                    |      |
| Customs - - - - -                                                   | 341,863                     | 37   | 300,000            | 00   |                                                                |                          |      |                    |      |
| Excise - - - - -                                                    | 16,290                      | 00   | 25,000             | 00   |                                                                |                          |      |                    |      |
| Post Office - - - - -                                               | 565,636                     | 37   | 350,000            | 00   |                                                                |                          |      |                    |      |
| Public Works (Collection) - - -                                     | 270,572                     | 18   | 230,000            | 00   |                                                                |                          |      |                    |      |
| Territorial, including Ordnance Lands (Collection) - - - - -        | 221,316                     | 95   | 150,000            | 00   |                                                                |                          |      |                    |      |
| Fines and Forfeitures - - - - -                                     | 11,887                      | 65   | 12,000             | 00   |                                                                |                          |      |                    |      |
| Casual - - - - -                                                    | 33                          | 00   | 00                 | 00   |                                                                |                          |      |                    |      |
| Special Funds (excluding Trusts) -                                  | 2,401                       | 59   | 3,000              | 00   |                                                                |                          |      |                    |      |
| TOTAL - - - Dols.                                                   | 8,943,013                   | 53   | 7,497,000          | 00   | TOTAL - - - Dols.                                              | 5,774,089                | 23   | 7,734,000          | 00   |



— No 5. —

(No. 8.)

COPY of a DESPATCH from his Grace the Duke of Newcastle, K.G., to Governor the Right Honourable Sir Edmund Head, Bart.

Sir,

Downing-street, 31 January 1860.

I HAVE referred, for the consideration of the Lords of the Committee of Privy Council for Trade, the Report of the Minister of Finance in Canada (enclosed in your Despatch, No. 118,\* of the 11th November) respecting the import duties levied in the province upon certain British manufactures; and I transmit, for your information, a copy of their Lordships' reply, accompanied by a memorandum on the subject, prepared in the Statistical Department of the Board of Trade.

Governor the Right Honourable  
Sir Edmund W. Head, Bart., K.C.B.,  
&c. &c. &c.

I have, &c.  
(signed) Newcastle.

No. 5.  
His Grace the  
Duke of Newcastle,  
K.G., to Governor  
the Right Honour-  
able Sir Edmund  
Head, Bart.  
31 January 1860.

\* Page 11.

## Enclosure in No. 5.

Office of Committee of Privy Council for Trade, Whitehall,  
17 January 1860.

Sir,

Enclosure in No. 5.

THE Lords of this Committee have had under their consideration your letter of the 15th December last, transmitting, by direction of the Duke of Newcastle, a copy of a report by the Finance Minister of Canada upon a Memorial from the Chamber of Commerce of Sheffield, respecting the import duties levied in Canada upon certain British manufactures, and also a copy of that memorial, and of the Duke of Newcastle's Despatch, in which it was conveyed to the Governor of Canada.

In accordance with his Grace's desire, my Lords have carefully examined the statements and arguments of Mr. Galt's report; and I enclose herewith a copy of a memorandum which has been prepared in the Statistical Department of the Board of Trade, and which shows in detail the result of this examination.

In submitting this memorandum to the Duke of Newcastle, I am to request that you will state to his Grace that my Lords do not perceive anything in Mr. Galt's explanation of the recent Canadian tariff to affect the conclusions at which they arrived upon an examination of that tariff, and which were communicated to the Colonial Office in my letter of the 20th October last.\*

\* Page. 9.

They think that the justification of this measure is to be found in the financial exigencies of Canada, and the difficulty, if not impossibility, under the peculiar circumstances of the province, of raising the necessary amount of revenue from any other source than the import duties upon manufactures which enter largely into its consumption.

Upon this ground my Lords stated, in their letter of the 20th October, that they were not prepared to disapprove the course which had been taken by the Government of Canada in framing the Tariff Act of 1859. They think that the explanations given in Mr. Galt's report of the principles upon which it was framed are, on the whole, satisfactory.

They cannot, however, lose sight of the fact that under the present tariff the rates of duty levied upon quite two-thirds of the duty-paying imports into Canada have been raised since 1856 from 12½ to 20 per cent., being an increase of 60 per cent.; and that this increased burden has been since that date placed upon the principal manufactures exported from the United Kingdom to Canada.

My Lords therefore cannot but regard with regret the fiscal necessities which have compelled this most important Colony to adopt a policy, the tendency of which, whatever its immediate effect may have been, unquestionably is to check the natural development of her foreign trade, and impair her industrial progress.

Mr. Galt disclaims on the part of the Government of Canada any intention of affording, by means of a tariff of increased duties upon foreign manufactures, an artificial stimulus to the industry of the province. And my Lords are glad to find that such an object formed no part of the intention of that Government in readjusting their Customs' system.

They cannot, however, concur with Mr. Galt in thinking that it should be a subject of gratification to the Canadian Government, if it is found that the duties absolutely required to enable them to meet the engagements of the province, should incidentally benefit and encourage the production at home of many of the articles which she now imports.

On the contrary, my Lords are of opinion that, should this incidental effect be produced by the operation of the present tariff, and branches of native industry be created which could not have equally prospered without protective duties; it may be found when the financial condition of the province might enable the Government to reduce their import duties; that class of interest will have grown up in dependence upon those duties, which will interpose a very serious obstacle in the way of a return to a sounder commercial policy, and that a system of taxation adopted for the legitimate object of revenue, may be continued for the mischievous purpose of protection.

The Under Secretary of State,  
Colonial Office.

I have, &c.  
(signed) *James Booth.*

Sub-Enclosure.

MEMORANDUM on the Report from the Minister of Finance in *Canada.*

MR. GALT, in his Report, first discusses a Memorial from the Sheffield Chamber of Commerce against the recent increase of import duties in Canada, and then enters into explanations of the financial position and policy of the Province.

In replying, in the first place, to the opening complaint in the Memorial, of the "recent advance of import duties in Canada," dates are overlooked by Mr. Galt, when he connects this "recent advance" with the tariff of August 1859, and observes that no advance whatever was made on Sheffield goods by the Act in question. That this Act could not be the one in question is proved by the Memorial being dated the 1st of August, and the last Tariff Act the 7th of August 1859, and on the 20th of the previous month of July the Memorialists had had an interview with the Duke of Newcastle, to represent the grievance set forth in the Memorial. The "recent advance" therefore must have had reference to the tariffs of 1856 and 1858. In these years the duties on hardwares and some other manufactured articles were raised from  $12\frac{1}{2}$  per cent. (the rate of duty in force since 1849) to 20 per cent. This alteration from  $12\frac{1}{2}$  to 20 per cent. was an increase of duty to the extent of 60 per cent. In 1846, British hardware was admitted into Canada at a duty of 5 per cent., and foreign at 12 per cent. There can be no doubt, therefore, as to the fact of a considerable increase of the Canadian duty in recent years on hardwares and cutlery, and other important articles produced by the manufacturers of the United Kingdom. Whether this increase of duty has occasioned any decrease in the trade of Sheffield with Canada, by encouraging the competition of Canadian or American productions, is another question.

The Canadian duty on hardwares have been too recently augmented to admit of the consequences to the trade with the Province being satisfactorily ascertained; and the period during which the higher duties have been in force has been one of much depression in the import trade of Canada.

The following Table exhibits the total value of manufactured iron and hardwares imported into Canada, and the value thereof from the United Kingdom and the United States respectively, in each year from 1850 to 1858:—

| Y E A R S. |   |   |   |   | TOTAL VALUE. | Value from<br>United Kingdom. | Value from<br>United States. |
|------------|---|---|---|---|--------------|-------------------------------|------------------------------|
|            |   |   |   |   | £.           | £.                            | £.                           |
| 1850       | - | - | - | - | 330,261      | 227,919                       | 98,363                       |
| 1851       | - | - | - | - | 463,845      | 316,902                       | 144,747                      |
| 1852       | - | - | - | - | 466,096      | 294,298                       | 169,466                      |
| 1853       | - | - | - | - | 648,720      | 357,939                       | 284,071                      |
| 1854       | - | - | - | - | 860,558      | 511,912                       | 338,353                      |
| 1855       | - | - | - | - | 635,630      | 298,954                       | 330,861                      |
| 1856       | - | - | - | - | 645,853      | 288,192                       | 350,787                      |
| 1857       | - | - | - | - | 489,943      | 244,391                       | 240,316                      |
| 1858       | - | - | - | - | 331,078      | 182,616                       | 147,339                      |

A large increase will be observed down to 1854; and the large amount of imports between 1853 and 1856 is attributable, probably, to some special demand, perhaps, in connection with the railroads, as wrought iron and steel are included in the Canadian returns, under the head of manufactured iron and hardwares. As regards the imports from the United Kingdom, it will be observed that a great falling off occurred before the duties were first increased (about the middle of 1856); and the decrease in 1857 and 1858 could have been but little influenced by the change of duty, as until August 1858 the duty had only been raised from  $12\frac{1}{2}$  to 15 per cent. Whether the further augmentation of duty to 20 per cent. will seriously check the importation of British hardwares remains still to be shown by the results of the Canadian Trade Accounts for 1859, and one or two subsequent years. By a Return obtained from the Custom House, it appears that there has been an increased exportation of hardwares and cutlery to Canada in the 11 months of 1859, as compared with the same period in the previous two years.

The



The table first given shows undoubtedly a large increase in the supply of American manufactured iron and hardwares to the Canadian markets; but it does not follow that British goods have given way to American. Although the value of these American goods exceeded that of the British in 1855 and 1856, they experienced a great decline in 1857 and 1858, and in these years the imports from the United Kingdom exceeded in value those from the United States.

Mr. Galt, in his report, states that there are certain descriptions of hardware and cutlery which are manufactured in a superior manner by the American and Canadian manufacturers. In these goods he says, "there is really no competition; their relative merits are perfectly well known." The fact is, Mr. Galt adds, "that certain goods are bought in the Sheffield market, and certain in the American."

These observations upon a difference in the description of goods obtained from England and the United States are rather borne out by an examination of the value of the exports of hardwares and cutlery from the United Kingdom to Canada between 1850 to 1858. Under this heading our accounts are much more restricted to actual wares of iron than the Canadian accounts previously referred to; but a comparison of the movement in this class of our exports and in the imports from the United States, as shown in the previous table, leads to the conclusion that the exports of British hardwares and cutlery to Canada has not been much affected by the growth of the American trade in the same class of goods. These imports from America show a large annual increase from 1850 to 1856, whereas, as appears by the following figures, the British exports of hardwares and cutlery to Canada in the same years show, with the exception of the two years 1854 and 1858, a somewhat steady fluctuation, decreasing and increasing to about the same amounts.

| YEARS.     | DECLARED<br>VALUE. | YEARS.     | DECLARED<br>VALUE. |
|------------|--------------------|------------|--------------------|
|            | £.                 |            | £.                 |
| 1850 - - - | 92,561             | 1855 - - - | 92,391             |
| 1851 - - - | 130,305            | 1856 - - - | 123,642            |
| 1852 - - - | 93,316             | 1857 - - - | 124,309            |
| 1853 - - - | 135,105            | 1858 - - - | 72,399             |
| 1854 - - - | 220,941            |            |                    |

A comparison of this and the preceding table, in the manner suggested, certainly helps to sustain Mr. Galt's statement as to the different description of goods supplied by the United States and the United Kingdom to Canada respectively, rather than to afford evidence of British goods suffering by competition with the American.

In judging of the effect that the new duties in Canada are likely to have upon the trade of Sheffield with that Colony, it is important to consider the mode of valuation adopted in Canada, and the amount of the Canadian duty compared with that levied in the United States. Mr. Galt refers to these points, and the remarks that he makes certainly tend to lessen the probability of the new duty in Canada being very oppressive on the exports from Sheffield.

The valuation for duty in Canada is, as Mr. Galt states, upon the value of the goods in the market where bought instead of upon the value at the port of entry, as is the case in the United States and other countries, where *ad valorem* duties prevail. The principle adopted in Canada must considerably mitigate the pressure of the *ad valorem* rates of duty in that country. The difference in the value of goods at the market where bought and at the port of entry, including in the latter value all costs and charges (except insurance, as in the United States) cannot be less than 12½ per cent., so that goods which would be valued for duty at 100*l.* in the United States would not be valued at more than 87*l.* 10*s.* in Canada. But, taking the case of hardwares and cutlery when imported into Canada and the United States, besides being subject in the United States to the higher valuation for duty, such articles are liable to a duty of 24 per cent., instead of 20 per cent., as in Canada. Therefore hardwares and cutlery of every 100*l.* value at the port of entry would have to pay a duty of 24*l.* in the United States, and but 17*l.* 10*s.* in Canada, a difference of 6*l.* 10*s.*, or 27 per cent. in favour of the latter.

If Sheffield is not shut out from the American market by a duty of 24 per cent. on a valuation at the port of entry, the trade of that town with Canada is not likely to be seriously injured by the duty of 20 per cent. on a valuation at the market price at home.

Mr. Galt refers to this fact, when he maintains the power of the manufacturers of Sheffield to compete with those of America in the Canadian markets. Mr. Galt says, "Sheffield is able now to export very largely of these very goods to the American market, paying a duty of 24 per cent., and competing with the American maker. Certainly then in the Canada market, Sheffield paying only 20 per cent., can have nothing to fear from American competition which is subject also to the same duty." Some opinion of the extent to which Sheffield is able to export to the United States, may

be formed from the following statement of the value of British hardwares and cutlery exported to the United States in each year from 1850 to 1858 :

| YEARS.     | VALUE.    | YEARS.           | VALUE.    |
|------------|-----------|------------------|-----------|
|            | £.        |                  | £.        |
| 1850 - - - | 1,049,903 | 1855 - - -       | 906,854   |
| 1851 - - - | 1,080,487 | 1856 - - -       | 1,222,419 |
| 1852 - - - | 968,492   | 1857 - - -       | 1,031,867 |
| 1853 - - - | 1,334,127 | 1858 - - -       | 664,097   |
| 1854 - - - | 1,431,696 | 1859 (11 months) | 1,047,032 |

These figures show an export five times as large as that to Canada, and it is to be observed that these exports were, for almost the whole period, subject, upon importation into the United States, to a duty of 30 per cent. It was not before 1857, that the American duty was reduced to its present rate of 24 per cent.

It will not be necessary to make many remarks upon that part of Mr. Galt's Report, which refers to the calculations by the Memorialists of the relative costs of delivering Sheffield and American goods in Canada. As the Memorialists fix these costs when the duty is deducted, at from 15 to 20 per cent. to themselves, and at no more to the American manufacturers than from 2½ to 5 per cent., they probably represent the advantage of proximity to be greater than it really is, and expose their calculations to Mr. Galt's charge of being erroneous; but against such an advantage having much influence on the competition between the English and American hardware manufacturers, there is, as Mr. Galt observes, the fact of the large export of English goods to America itself, and also the probable higher cost at which the goods are produced in America.

The Memorialists assert that Canada has more than 1,000 miles of unguarded frontier across which the American manufacturer can smuggle with impunity, but Mr. Galt says, this is a reckless assertion, and shows that the Canadian Government is not indifferent to the protection of its Customs Revenue on every available route. The Americans have certainly availed themselves to a great extent of the legitimate channels of trade with Canada, until the recent alterations of duty and the facilities for smuggling do not appear to be such as to encourage a contraband trade to any extent, under the present system of higher duties.

Judging, therefore, by the exports of hardwares and cutlery from the United Kingdom to Canada, during years in which there was a very large increase in the American supply of manufactured iron and hardwares, and by the exports from the United Kingdom to the United States under higher duties, there does not appear to be much ground for apprehending any serious injury to the trade of Sheffield with Canada from the recent increase of duty in that Colony.

That it would have been better for both the Sheffield producers and the Canadian consumers had the Canadian duties not been raised is not to be disputed; but the necessities of the Province must prevail over these interests for the present.

After controverting the Memorial, Mr. Galt proceeds to give a detailed explanation of the commercial policy and legislation of Canada, which "He believes will abundantly prove that the policy of Canada, so far from being opposed in principle to that of the "Mother Country, has been in accord with it, as far as differing circumstances would permit."

Mr. Galt then briefly refers to the policy in force, and the changes made in it between 1841 and the present time.

But a comparison of the changes in the commercial legislation of Canada and of the mother country in the period alluded to, will scarcely entitle Canada to claim the accordance which Mr. Galt would establish.

The principle of protection was much more general in the English than in the Canadian tariff, and the rates of duties were much higher in England than in Canada.

The chief instance of similarity in the Imperial and Colonial policy has been as regards the importation of corn; but in this respect the circumstances of the two countries were so dissimilar, that the repeal of the duty on corn, though corresponding in principle, was a change that operated very differently at home and in the Colony.

If, however, as regards protective duties, some identity of principle may be traced in the policy pursued in Canada and Great Britain, the same cannot be done with respect to discriminative duties. In Canada, the discriminating duties, which admitted British produce at less than half the duty on foreign, were wholly discontinued in 1848; and where duties were retained, the higher rates were made applicable to both British and foreign produce. In England, on the other hand, discriminating duties have been retained in favour of some articles of Colonial produce, especially as regards timber, the chief article of export from Canada. And in discontinuing the principle of differential duties for Colonial and foreign produce, the policy in England has been, where the duty has not been altogether repealed, to lower the rates for both foreign and Colonial imports; the policy of Canada has not therefore been in accord with that of England as regards discriminative duties. The cessation of such duties in Canada so far back as 1848, must be considered rather more the result



result of Imperial than of Canadian legislation. The Canadians have frequently memorialized the Home Government for the maintenance of differential duties in favour of their productions when imported into England; and had England required reciprocity on the part of the colony, the equalization of the Canadian duties on British and foreign imports could not have taken place so long as the productions of Canada were favoured by the British tariff.

The repeal of the Navigation Laws is alluded to by Mr. Galt. It was a change of policy highly beneficial, no doubt, to the commercial interests of Canada; but for much of the good that Canada derives from improved commercial relations, under free navigation and an equalized system of duties, she is chiefly indebted to an unselfish policy on the part of Great Britain.

In referring to the value of the imports into Canada between 1841 and 1858, Mr. Galt prominently notices the great increase in the amount of goods imported duty free.

It is true that many miscellaneous articles are now admitted into Canada free of duty, but the majority of them are only imported in small quantities.

The great increase in the imports of free goods is owing to the large trade with the United States, since the Reciprocity Treaty of 1854 in corn and meat provisions. Wheat and Indian corn were made free in Canada in 1850, but there were no considerable imports of such grain before 1854, when the Reciprocity Treaty was made, and when other kinds of grain and flour of all kinds were also made free of duty. In each year since 1854, Canada has imported grain and flour very largely; principally of course from the United States. But in the same years, and under the same treaty, there has been a very large export of the same articles from Canada to the United States, much exceeding, in fact, the imports from the United States. There is therefore a simple exchange, as it were, of corn between the two countries, according probably to the production and requirements of particular and contiguous localities. Such an arrangement is doubtless very beneficial to Canada and the United States, and is in itself a free trade; but it is special in its character, and influences so largely any illustration of the commercial policy of Canada by means of a comparison of the value of free goods imported at different periods, that it is desirable to see how the free goods have advanced in proportion to the total imports, if corn is excluded. Mr. Galt shows that the value of free goods imported into Canada was, on an annual average,  $2\frac{1}{4}$  per cent. of the total imports from 1841 to 1848, 7 per cent. from 1849 to 1854, and 29 per cent. from 1855 to 1858. How largely this increase in the free goods is due to the reciprocal trade in corn with the United States, the following figures will show. The periods taken by Mr. Galt cannot be conveniently followed, for want of the original returns; but a comparison of the free goods with and without corn in 1850, when wheat and Indian corn were first admitted free of duty, and in 1855, the year following the Reciprocity Treaty, will suffice for the purpose.

|                                          | 1850.        | 1855.                      |
|------------------------------------------|--------------|----------------------------|
| Total value of imports into Canada - - - | £. 4,245,517 | £. 9,021,542               |
| Value of free goods with corn - - -      | 294,133      | 2,596,383                  |
| Proportion of total imports - - - -      | 7 per cent.  | 28 $\frac{3}{4}$ per cent. |
| Proportion without corn - - - -          | £. 256,216   | £. 1,507,125               |
| Proportion of total imports - - - -      | 6 per cent.  | 16 per cent.               |

The per-centages, including corn, in 1850 and 1855, correspond with Mr. Galt's averages for 1849 to 1854, and 1855 to 1858. But omitting corn from the free goods, an increase is shown of from 6 to 16 per cent. against that shown by Mr. Galt of from 7 to 29 per cent. Thus, by making allowance for the special and large increase in the imports of corn, the increase in the value of free goods cannot fairly be reckoned according to the rates stated by Mr. Galt. In 1850, the corn admitted free of duty formed but 13 per cent. of the free goods; whereas in 1855, 42 per cent. of the free goods consisted of corn and meal. It is deserving of notice how much the increase in the value of the total imports of Canada between 1849 and 1858 is occasioned by the great advance in the free goods. According to the figures appended to Mr. Galt's report, the annual average value of the imports between 1849 and 1854 was 5,967,000 £., and between 1855 and 1858 it was 9,261,000 £.; showing an increase of 3,294,000 £. or 55 per cent. Deducting however the free goods, the value for the first period was 5,559,000 £., and for the second 6,564,000 £., the increase being only 1,005,000 £., or 18 per cent.

In connexion with the value of the total imports and free goods, Mr. Galt exhibits the amount of duty received, and he attaches much importance to the proportion which the duty bears to the imports, as being a proof of the trifling addition that has really been made to the Customs Duties in Canada. Mr. Galt deduces the following results of the proportion borne by the total amount of duty received to the total imports on an annual average:—

|                                 |                                 |
|---------------------------------|---------------------------------|
| Between 1841 and 1848 - - - - - | Duty 10 $\frac{1}{4}$ per cent. |
| „ 1849 and 1854 - - - - -       | „ 13 $\frac{1}{4}$ „            |
| „ 1855 and 1858 - - - - -       | „ 10 $\frac{1}{4}$ „            |

But as the principal charges in the Canadian tariff were made in August 1858, Mr. Galt gives a separate result for that year, thus:—

|                      |   |   |   |   |   |   |                   |
|----------------------|---|---|---|---|---|---|-------------------|
| 1858 to 7th August   | - | - | - | - | - | - | Duty 11 per cent. |
| 1858 from 7th August | - | - | - | - | - | - | „ 12½ „           |

Further on in the Report, Mr. Galt adds a similar result for the first nine months of 1859, during which period the new tariff of the present Canadian Government has been in force.

|                |   |   |   |   |   |   |                    |
|----------------|---|---|---|---|---|---|--------------------|
| 1859, 9 months | - | - | - | - | - | - | Duty 13½ per cent. |
|----------------|---|---|---|---|---|---|--------------------|

To these results, and especially the last, Mr. Galt requests the attention of the Duke of Newcastle, “as showing that the increased rate of duty in 1859, as compared with “1858, has only been from 12½ to 13½ per cent., which can scarcely be deemed excessive.” And further on in the Report, Mr. Galt again compares these per-centages to show how little the rate of duty levied in 1859 exceeds the rates in previous years. If the relative rates of duty in different years, and under different tariffs, could be correctly deduced in the manner adopted by Mr. Galt, there would still be the objection that the proportion of duty is calculated upon the total imports, instead of upon the duty-paying goods only. This makes a considerable difference in the results obtained, as the larger proportion of free goods in the latter periods has the effect of keeping down the per-centage of the duty to the total imports. By calculating the proportion of the duty received on the duty-paying goods only, the results would be,

|                       | Per Cent.      | Per Cent.        |
|-----------------------|----------------|------------------|
| Between 1841 and 1848 | - - - - - 10.4 | instead of 10.25 |
| „ 1849 and 1854       | - - - - - 14.3 | „ 13.25          |
| „ 1855 and 1858       | - - - - - 14.6 | „ 10.25          |
| 1858 to 7th August    | - - - - - 15.6 | „ 11.0           |
| „ from 7th August     | - - - - - 17.1 | „ 12.50          |
| and 1859, 9 months    | - - - - - 19.0 | „ 13.50          |

Here then, instead of a difference, as shown by Mr. Galt, of only from 10.25 to 13.50, there is an advance of from 10.4 to 19 per cent. And as regards the comparison of 1859 with 1858, the increase of 2 per cent. upon a 17 per cent. general rate of duty, instead of 1 per cent. upon a general rate of 12½ per cent. would, in effect, be a much heavier increase of duty than is indicated by the relative difference between 2 per cent. in the one case and 1 per cent. in the other.

The great increase in the tariff of Canada has been the raising of the duties upon manufactured articles from 12½ to 20 per cent., and from these articles, under both of these *ad valorem* rates, more than two-thirds of the Customs Revenue of Canada has been obtained.

It is clear, therefore, that the results deduced by Mr. Galt, showing only a small percentage increase in the proportion of the duty to the total imports since the duties have been raised, does not afford any true indication of the actual augmentations of duty in Canada. The results shown by computing the proportion of the duty to the imports of duty-paying goods, only afford a better indication of the changes in the commercial legislation of Canada. No sound inference as to the advance in particular rates of duty can, however, be drawn from such premises.

The fact is patent that rates of duties which are levied upon quite two-thirds of the duty-paying imports into Canada, have been raised from 12½ to 20 per cent., an increase, as has been previously stated, of 60 per cent. It is quite true that such an addition to the rates of duty may not prevent some increase in the trade of Canada, but it is, probably, quite sufficient to check any considerable development of the import trade of the province. Mr. Galt states that “The real increase of revenue was looked for from a revival of trade,” but a revival to any extent is certainly made very uncertain by a considerable increase in the rates of duty. The opposite policy is adopted in the Mother Country to promote an extension of commerce.

The change in the system of duties from specific to *ad valorem* for certain goods, may, with the mode of valuation adopted in Canada, encourage and develop the direct trade by sea, between Canada and foreign countries, which, Mr. Galt says, was one of the objects of the tariff of 1859. The trade accounts of Canada show that tea and sugar have been for some years past almost entirely received from the United States, but it is difficult to ascertain whether the trade has been directed to this channel by the operation of specific duties, as stated by Mr. Galt, or by any facilities of communication existing in the United States.

With regard to the articles selected for an increase of duty in order to meet the deficiency of the Canadian revenue, it is probable that the class chosen by the Minister of Finance was the one the most to be relied upon for affording an immediate increase of revenue. Although this object may have been attained by the recent augmentations of duty, it does not at all follow that the development of the commercial interests of Canada, and of the British trade with Canada, will not be interfered with by the maintenance of the existing duties on manufactured goods. As the Minister of Finance states that “The fiscal

“policy



"policy of Canada has invariably been governed by consideration of the amount of revenue required," and as he concludes his report by intimating that "it will be a subject of the highest gratification to the present Government when a reduction in the scale of duties is possible," a modification of the 20 per cent. duties may be reasonably expected, if the import trade of Canada should sufficiently recover from its recent depression.

However little the Imperial Government may think it right actively to interfere in the financial legislation of Canada, the Executive authorities in that Province should bear in mind that so long as discriminating duties exist in the British tariff in favour of Canadian timber, the manufacturers of England will naturally be very sensitive to the imposition of heavier duties in Canada, when the increased taxation will more particularly fall on the British trade.

It may be right, in conclusion, to notice that at page 6 of the Report, Mr. Galt states, that "the articles on which he proposed to obtain additional revenue were cotton goods, to be raised from 15 to 20 per cent., and iron, steel, &c., from 5 to 10 per cent."

But, by comparing the Canadian tariffs for 1859 and 1858, the duty upon linens and earthenware would also appear to have been raised, in 1859, from 15 to 20 per cent. In the tariffs in force in 1858 these articles were not specially enumerated, and the duty of 15 per cent. on "unenumerated goods" applied to them, and under that rate of duty they appear in the Import Accounts for 1858. The tariff of 1859 also does not separately enumerate linens and earthenware, and therefore it is presumed they must be included under "unenumerated goods," which are charged with a duty of 20 per cent.

Statements are appended of the imports and exports of grain into and from Canada; and of the exports of the principal kinds of timber to the United Kingdom.

VALUE (in Currency) of the Principal Kinds of CORN and FLOUR Imported into  
*Canada.*

| Y E A R S. | Wheat.  | Indian Corn. | Other Kinds<br>of Grain<br>and Flour. | TOTAL.    | Total Grain<br>and Flour from the<br>United States. |
|------------|---------|--------------|---------------------------------------|-----------|-----------------------------------------------------|
|            | £.      | £.           | £.                                    | £.        | £.                                                  |
| 1850 - - - | 28,484  | 9,433        | 6,378                                 | 44,295    | 43,117                                              |
| 1851 - - - | 73,745  | 16,957       | 5,498                                 | 96,200    | 95,409                                              |
| 1852 - - - | 19,238  | 26,566       | 4,766                                 | 50,570    | 49,740                                              |
| 1853 - - - | 3,666   | 61,931       | 11,522                                | 77,119    | 70,265                                              |
| 1854 - - - | 34,728  | 177,735      | 18,165                                | 230,628   | 225,832                                             |
| 1855 - - - | 365,406 | 280,136      | 443,716                               | 1,089,258 | 1,077,483                                           |
| 1856 - - - | 423,523 | 209,576      | 261,095                               | 894,194   | 878,415                                             |
| 1857 - - - | 593,644 | 180,109      | 366,278                               | 1,140,031 | 1,126,892                                           |
| 1858 - - - | 411,872 | 98,164       | 213,941                               | 723,977   | 711,499                                             |

VALUE (in Currency) of the Principal Kinds of CORN and FLOUR Exported from  
*Canada.*

| YEARS.   | Wheat.    | Barley<br>and Rye. | Flour.    | Other Kinds<br>of Grain<br>and Flour. | TOTAL.    | Total Grain<br>and Flour to the<br>United States. |
|----------|-----------|--------------------|-----------|---------------------------------------|-----------|---------------------------------------------------|
|          | £.        | £.                 | £.        | £.                                    | £.        | £.                                                |
| 1850 - - | 268,034   | 7,767              | 685,796   | 76,701                                | 1,038,298 | 661,533                                           |
| 1851 - - | 171,795   | 21,557             | 670,825   | 67,550                                | 931,727   | 471,398                                           |
| 1852 - - | 355,457   | 19,337             | 689,378   | 81,229                                | 1,145,401 | 789,992                                           |
| 1853 - - | 772,610   | 6,505              | 1,062,209 | 136,850                               | 1,978,174 | 1,212,796                                         |
| 1854 - - | 524,534   | 23,580             | 1,199,175 | 54,923                                | 1,802,212 | 1,307,119                                         |
| 1855 - - | 1,482,217 | 145,807            | 1,450,480 | 135,932                               | 3,214,436 | 2,909,201                                         |
| 1856 - - | 1,744,461 | 226,820            | 1,502,452 | 235,177                               | 3,708,910 | 2,934,605                                         |
| 1857 - - | 697,493   | 171,016            | 1,134,411 | 163,043                               | 2,165,963 | 1,724,503                                         |
| 1858 - - | 588,774   | 253,909            | 766,452   | 328,830                               | 1,937,965 | 1,400,294                                         |

VALUE (in Currency) of the Principal Kinds of TIMBER\* Exported from *Canada* to the  
*United Kingdom.*

| YEARS.     | VALUE.    | YEARS.     | VALUE.    |
|------------|-----------|------------|-----------|
|            | £.        |            | £.        |
| 1850 - - - | 727,963   | 1855 - - - | 989,031   |
| 1851 - - - | 935,058   | 1856 - - - | 1,378,705 |
| 1852 - - - | 937,850   | 1857 - - - | 1,694,959 |
| 1853 - - - | 1,482,181 | 1858 - - - | 1,218,842 |
| 1854 - - - | 1,675,401 |            |           |

\* Including Pine, red and white, Deal staves, Elm, and Oak.

— No. 6. —

(No. 32.)

No. 6.  
Governor Sir Ed-  
mund Head, Bart.,  
to the Duke of  
Newcastle, K.G.  
11 April 1860.

COPY of a DESPATCH from Governor the Right Honourable Sir *Edmund Head*, Bart., to His Grace the Duke of *Newcastle*, K.G.

Government House, Quebec,  
11 April 1860.

\* Page 27.

My Lord Duke,  
REFERRING to your Grace's Despatch of 31st January, No. 8,\* I have now the honour to enclose a copy of a Minute of the Executive Council of Canada, approved by myself.

I have, &c.  
(signed) *Edmund Head.*

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

Enclosure in No. 6.

Encl. in No. 6. COPY of a REPORT of a Committee of the Honourable the Executive Council, approved by His Excellency the Governor General, on the 16th March 1860.

THE Committee have attentively perused the accompanying Memorandum, dated 13th March 1860, from the Honourable the Minister of Finance, submitting certain observations on the letter of the Committee of Privy Council for Trade, dated 17th January 1860, and upon a communication from the Statistical Department of the Board of Trade, transmitted by his Grace the Duke of Newcastle by Despatch of 31st January 1860; and, concurring in the opinions expressed by the Minister of Finance in his said Memorandum, respectfully advise that a copy thereof be forwarded by your Excellency to Her Majesty's Secretary of State for the Colonies.

Certified,  
(signed) *Wm. H. Lee,*  
Clerk of Executive Council.

THE Minister of Finance has the honour respectfully to submit to his Excellency the Governor General in Council certain observations upon the letter of the Committee of Privy Council for Trade, dated 17th January, and upon the accompanying Memorandum from the Statistical Department of the Board of Trade, transmitted by his Grace the Duke of Newcastle by Despatch of 31st January 1860.

The Minister of Finance finds that, on full consideration of the subject of the late Canadian tariff, my Lords "think that the justification of this measure is to be found in the financial exigencies of Canada, and the difficulty, if not impossibility, under the peculiar circumstances of the Province, of raising the necessary amount of revenue from any other source than the import duties upon manufactures, which enter largely into its consumption. Upon this ground my Lords stated, in their letter of 20th October, that they were not prepared to disapprove the course which had been taken by the Government of Canada in framing the Tariff Act of 1859. They think that the explanations given in Mr. Galt's report of the principles upon which it was framed are, on the whole, satisfactory."

The Minister is gratified to observe that my Lords have thus, on reconsideration, with-  
drawn



drawn the strong expressions of disapproval contained in the Despatch from his Grace the Duke of Newcastle of 13th August last.

The important point, in which the Canadian Government considered their policy to have been misunderstood, having been thus settled, it is not necessary to prolong the discussion upon details; but the Minister of Finance feels it his duty to advert to some of the arguments used by my Lords, lest the absence of notice should imply assent on his part.

My Lords state that "they do not concur in thinking it should be a subject of gratification to the Canadian Government, if it is found that the duties absolutely required to enable them to meet the engagements of the Province should incidentally benefit and encourage the production at home of many of the articles which she now imports: on the contrary, my Lords are of opinion that, should this incidental effect be produced by the operation of the present tariff, and branches of native industry be created, which could not have equally prospered without protective duties, it may be found, when the financial condition of the Province might enable the Government to reduce their import duties, that a class of interests will have grown up in dependence upon those duties, which will impose a very serious obstacle in the way of a return to a sounder commercial policy, and that a system of taxation adopted for the legitimate object of revenue may be continued for the mischievous purpose of protection."

In this case it appears to the Minister of Finance that my Lords object to a result which, in the first instance, must necessarily be advantageous to the country, from a vague apprehension that, in the uncertain future, it may prevent a diminution of duties on manufactured goods. In any country it would seem desirable to vary the employments for capital and industry, and thus diminish, if not altogether prevent, the disasters which attend a failure in the case of a people depending altogether on one means of subsistence.

The first establishment of even the lower grades of manufactures is always attended with difficulty; and investments of this nature, when once in operation, and having secured the skilled labour required, will be able to maintain themselves, even in the face of a gradual future reduction of duty. It may also be observed that if the coarser articles be manufactured in any country, the larger ability will it possess to import those of a more expensive character. A large part of Canada is not capable of producing a surplus of cereals for export, and it ought, therefore, to be a subject of congratulation if, without imposing any duty for the purpose of protection, employment can be found for those labouring classes who now seek it in the United States.

The Minister of Finance does not therefore share the apprehensions of my Lords, but believes that, having the advantage of the experience of the Mother Country, Canada will be enabled, in the future, to shape her commercial policy so as to give the freest scope to the industry of the people.

In the Memorandum from the Statistical Department of the Board of Trade, it is stated: "In replying, in the first place, to the opening complaint of the Memorial of the 'recent advance of import duties in Canada,' dates are overlooked by Mr. Galt when he connects this 'recent advance' with a tariff of August 1859, and observes that no advance whatever was made on Sheffield goods by the Act in question. That this Act could not be the one in question is proved by the Memorial being dated the 1st of August, and the last Tariff Act the 7th of August 1859, and on the 20th of the previous month of July, the Memorialists had an interview with the Duke of Newcastle to represent the grievance set forth in the Memorial. The 'recent advance,' therefore, must have had reference to the Tariffs of 1856 and 1858."

In this case, it is submitted that the mistake will be found to have been originally made by the Board of Trade, and is again repeated in the above extract. The dates of the Memorial (1st August 1859) and of the interview with his Grace are correctly stated, but the last Tariff Act passed on the 22d March 1859, and the previous Act of the 7th August 1858; and the fact that the Memorialists from Sheffield appended to their Memorial an extract from a Colonial paper of July, animadverting expressly upon "Mr. Galt's Tariff," shows that they must have been aware of its being in force before the date of the Memorial.

The Minister of Finance is gratified to observe that, as regards the various points complained of in the Memorial from the Chamber of Commerce, the Board of Trade is of opinion that they were not well-founded, and that "There does not appear to be much ground for apprehending any serious injury to the trade of Sheffield with Canada, from the recent increase of duty in that Colony."

Exception is taken in the Memorandum from the Board of Trade to the general statement made by the Minister of Finance, that the "Policy of Canada has been in accord with that of the Mother Country, as far as differing circumstances would permit;" and it is contended that, inasmuch as England reduced her duties on foreign goods to a par with those levied on Colonial, while Canada increased those on British goods to the rates levied on foreign, a material difference in policy existed. In reply, it may be urged that the principle in both cases is the same, and also that the operation of the change in England of reducing the discriminative duties which existed in favour of the Colonies, is exactly similar in effect to that adopted by Canada, in increasing the duties on British goods. The result is to do away with exceptional advantages on both sides. The amount of duty levied in either case does not affect the principle on which it is imposed.

It may not be desirable to enter upon any discussion as to the repeal of the Navigation Laws, or the advantage which Canada may have derived therefrom; this step became absolutely necessary, as regards Canada, after the previous legislation of Great Britain. But it is quite certain that, as regards the trade of the Great Lakes, without reference to

the general question of the coasting trade of this Continent, the policy of Great Britain has been more favourable to the citizens of the United States than to Canada.

The Memorandum of the Board of Trade enters at considerable length into the discussion of the correctness of the mode in which the Minister of Finance has established the amount of taxation in Canada, at different periods; and it is contended that, in the first place, the imports and exports of corn should be excluded from any calculation, and, secondly, that the correct result can be arrived at by taking the duty-paying goods only.

As respects the exclusion of corn from the calculation, it is stated correctly in the Memorandum to arise from the varied production and requirements of particular and contiguous localities; but so far from it requiring this article to be excluded from the comparative statements of trade under the system of free trade, it is plainly necessary to include it on the very ground stated by the Board of Trade; because, had the duty been maintained, the excess of corn produced in one section of Canada would have been artificially forced into consumption in another, at increased cost, or a corresponding quantity would have been imported from the United States, and would have paid duty—in either case causing a burthen upon the community. Even excluding corn from the free goods, it is admitted that between 1849 to 1854, and 1855 to 1858, they have increased from 6 to 16 per cent., which sufficiently indicates the direction of the policy of Canada.

But the Memorandum demands not only the exclusion of corn but that of all free goods, and offers a calculation based upon the duty-paying goods only, whereby it is contended that the duty has been increased from 10·4 to 19 per cent. between 1841 and 1859, and from 17·1 to 19 per cent. by the late Canadian tariff, instead of from 10½ to 13½ and from 12½ to 13½ per cent.

That this mode of calculation is fallacious may be shown by simply pointing out that, if the Board of Trade be correct, the Legislature of Canada could, by extending the Customs duties over the free goods, actually raise the same revenue, while at the same time they reduced the duty paid from 19 per cent. to 13½, as stated by the undersigned, which would manifestly be a complete delusion, as the amount levied on the consumer would remain the same. It appears evident that so long as Customs duties are levied, the gross amount collected must be subdivided over the entire imports in estimating the relative weight of Customs, comparing one year with another. It does not absolutely settle the amount of taxation paid by the people, as that must depend upon other fiscal burthens as well, but it certainly forms a correct measure of the amount levied upon the import trade.

The Board of Trade rest much weight upon the fact, that manufactured goods have been raised from 12½ per cent. in 1856, to 20 per cent. in 1859; but they do not advert to the fact that between the same periods the duty on sugars, molasses, teas, and a variety of other articles had been greatly reduced, and in some cases removed altogether. It is quite true, as stated in the Memorandum, that an increase of duties must operate against an extension of commerce; and the undersigned admits, that if the duties on manufactured goods were removed altogether, the consumption of Canada would be enlarged; but the same remark applies to the tea and sugar duties in Great Britain, which, in like manner as the Canadian duties on goods, are maintained from the necessity of procuring income. The point to be desired is evidently to fix such a rate of duty as will not, by a diminution of consumption, defeat the object of obtaining revenue, and the undersigned contends that this point has not been exceeded in the 20-per-cent. duties.

The Memorandum adverts to the increase of duty from 15 per cent. to 20 per cent. on linens and earthenware, and appears to have been written under the impression that the Minister of Finance had stated there had been no increase in those articles. A reference to his report will show, that while he spoke of "Cotton, iron, and steel, &c.," as the principal articles upon which increased duties were levied, he did not by any means state them to be the only ones.

The conclusion of the memorandum states:—

"However little the Imperial Government may think it right actively to intervene in the financial legislation of Canada, the Executive Authorities of that Province should bear in mind that, so long as discriminative duties exist in the British tariff in favour of Canadian timber, the manufacturers of England will naturally be very sensitive to the imposition of heavier duties in Canada, when the increased taxation will more particularly fall on the British trade."

On this it is only necessary to remark that the British tariff is now proposed to be altered so far as to remove the discriminative duty in favour of Colonial timber. The Minister of Finance does not presume to question the propriety of the British Government arranging its tariff in the mode considered most advantageous to the British consumer; but it may be regretted that the intention to effect this change had not been announced beforehand, so as to prepare the Colony for it, as the timber trade is peculiar, and requires preparation many months before the timber can be brought to market.

The Minister of Finance trusts that the explanations which have been afforded on the subject of the Canadian tariff will have removed all misapprehension from the minds of my Lords the Committee of Privy Council for Trade, as to the policy of Canada being in any way opposed to the interests of the empire at large, but has been adopted with the view of maintaining unimpeached the credit and good faith of the Province.

13 March 1860.

Respectfully submitted,  
(signed) A. T. Galt.





CUSTOMS DUTIES (CANADA).

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COPY of CORRESPONDENCE between the Colonial Office and the Authorities in *Canada*, on the subject of the Removal or Reduction of the Duties charged on British Goods entering *Canada*.

(*Mr. Aytoun.*)

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*Ordered, by The House of Commons, to be Printed,  
17 June 1864.*

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400.

*Under 8 oz.*



## C A N A D A

RETURN to an Address of the Honourable The House of Commons,  
dated 18 July 1864;—for,

“ COPY of all CORRESPONDENCE which has taken place between the Imperial and Canadian Governments respecting the NORTH-WESTERN BOUNDARY of CANADA; and of any MEMORIALS forwarded to the Colonial Office from the Inhabitants of the Red River Settlement.”

[*So far as the same can be complied with.*]

Colonial Office, }  
26 July 1864. }

FREDERIC ROGERS.

— No. 1. —

(No. 33.)

COPY of a DESPATCH from the Right Hon. *Edward Cardwell*, M.P., to  
Governor General Viscount *Monck*.

No. 1.

Right Hon.  
E. Cardwell, M.P.,  
to Governor General  
Viscount Monck.

My Lord,

Downing-street, 1 July 1864.

I HAVE had under my consideration your Lordship's Despatch, No. 18,\* of the 19th February, enclosing to the Duke of Newcastle the Minute of your late Executive Council on the subject of the pending negotiation between Her Majesty's Government and the Hudson's Bay Company for the cession of the rights of that Company in the Hudson's Bay Territory to the Crown.

\**Vide* H. C., No.  
402, of 1864,  
page 15.

In that Minute the Executive Council say they “are of opinion that, in view of the recent change in the constitution and objects of the Hudson's Bay Company, which, from the correspondence laid before the House of Lords, appears to have been effected, and the claims which the new organisation have reiterated, with the apparent sanction of His Grace the Duke of Newcastle, to territorial rights over a vast region not included in their original charter, it is highly expedient that steps be taken to settle definitely the North-Western Boundary of Canada.”

“The Committee therefore recommend that correspondence be opened with the Imperial Government with the view to the adoption of some speedy, inexpensive, and mutually satisfactory plan to determine this important question, and that the claim of Canada be asserted to all that portion of Central British America which can be shown to have been in the possession of the French at the period of the cession in 1763.” If the proposed cession shall take place, it will be necessary to make provision for the future government of the Red River Settlement, and, prospectively, of such parts of the territory as may from time to time become the seats of settled occupation and industry.

The Committee of the House of Commons, which, in the year 1857, considered the state of the British Possessions in North America which are under the administration of the Hudson's Bay Company, expressed themselves in the following terms: “Your Committee consider that it is essential, to meet the just and reasonable wishes of Canada, to be enabled to annex to her territory such portion of the land in her neighbourhood as may be available to her, for the purposes of settlement, with which lands she is willing to open and maintain communication, and for which she will provide the means of local administration. Your Committee apprehend that the districts on the Red River

and the Saskatchewan are among those likely to be desired for early occupation. It is of great importance that the peace and good order of those districts should be effectually secured. Your Committee trust that there will be no difficulty in effecting arrangements as between Her Majesty's Government and the Hudson's Bay Company by which these districts may be ceded to Canada on equitable principles, and within the districts thus annexed to her, the authority of the Hudson's Bay Company would, of course, entirely cease.

Before taking any further step in the negotiations with the Company, I am desirous of being informed whether your Advisers are prepared to assist in these negotiations with a view of accepting the government of any portion of the territory, and undertaking the duties contemplated by the Committee in case sufficiently favourable terms can be obtained. If they are prepared to do so, it will be desirable that they should send over to this country some person duly authorised to communicate with me upon the subject, in order that the negotiations may be proceeded with during the recess, and the necessary measures prepared for obtaining the sanction of the Imperial Parliament and of the Legislature of Canada. If they are not prepared to assist in the negotiations, I shall be glad to hear from you their views upon the subject of the North Western Boundary of Canada.

I have, &c.  
(signed) *Edward Cardwell.*

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CANADA.

COPY of CORRESPONDENCE between the Imperial and Canadian Governments respecting the NORTH-WESTERN BOUNDARY of CANADA, &c.

(*Mr. Arthur Mills.*)

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*Ordered, by The House of Commons, to be Printed,  
27 July 1864.*

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550.

*Under 1 oz.*



CANADA AND PACIFIC TELEGRAPH.

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RETURN to an Address of the Honourable The House of Commons,  
dated 10 May 1864;—for,

“COPY or EXTRACTS of any CORRESPONDENCE between the Colonial Office and the Authorities in *Canada* and *British Columbia*, on the subject of the proposed TELEGRAPHIC COMMUNICATION between *Canada* and the *Pacific* (in continuation of Parliamentary Paper, No. 438, of Session 1863).”

Colonial Office, }  
16 June 1864. }

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FREDERIC ROGERS.

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(*Mr. Sinclair Aytoun.*)

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*Ordered, by The House of Commons, to be Printed,*  
17 June 1864.

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## SCHEDULE.

| No. |                                             |                                         | Page |
|-----|---------------------------------------------|-----------------------------------------|------|
| 1   | Viscount Monck to the Duke of Newcastle     | 25 April 1862 (No. 79)                  | 3    |
| 2   | The Duke of Newcastle to Viscount Monck     | 3 June 1862 (No. 124)                   | 5    |
| 3   | Viscount Monck to the Duke of Newcastle     | 27 February 1863 (Extract)<br>(No. 20.) | 6    |
| 4   | The Duke of Newcastle to Viscount Monck     | 1 May 1863 - (No. 49)                   | 12   |
| 5   | Viscount Monck to the Duke of Newcastle     | 8 May 1863 - (No. 46)                   | 12   |
| 6   | The Duke of Newcastle to Viscount Monck     | 4 July 1863 - (No. 67.)                 | 14   |
| 7   | C. Fortescue, Esq., M.P., to Viscount Monck | 9 February 1864 (No. 17)                | 14   |
| 8   | Viscount Monck to the Duke of Newcastle     | 19 February 1864 (No. 18)               | 15   |
| 9   | Sir Frederic Rogers to Sir Edmund Head -    | 6 June 1864 - (Extract)                 | 16   |
| 10  | Sir Edmund Head to Sir Frederic Rogers -    | 7 June 1864 - (Extract)                 | 16   |



COPY or EXTRACTS of any CORRESPONDENCE between the Colonial Office and the Authorities in *Canada* and *British Columbia*, on the subject of the proposed TELEGRAPHIC COMMUNICATION between *Canada* and the *Pacific* (in continuation of Parliamentary Paper, No. 438, of Session 1863).

— No. 1. —

(No. 79.)

COPY of a DESPATCH from Viscount *Monck* to His Grace the Duke of *Newcastle*, K.G.

Quebec, 25 April 1862.

(Received 9 May 1862.)

(Answered, 124, 3 June 1862, page 5.)

My Lord Duke,

I HAVE the honour to forward to your Grace a Minute of the Executive Council, approved by me, on the subject of the establishment of a postal communication through the Hudson's Bay Territory, between Canada and British Columbia, containing a letter from the Provincial Secretary to the Manager of the Hudson's Bay Company, and that gentleman's reply.

The subject is one of considerable importance, both in an Imperial point of view, and as regards the particular interests of this Province; but the letter of Mr. Alleyne enters so fully into the merits of the question on both grounds, that I do not think it necessary to trouble your Grace with any observations of my own.

The answer of Mr. Dallas would seem to imply that the existence of the present rights of the Hudson's Bay Company will prove a permanent obstacle to the realization of the views which the Canadian Government entertain in reference to the proposed communication.

As the Government of this Province have no means of acting upon the Hudson's Bay Company, except through Her Majesty's Ministers, I would, on its behalf, ask of your Grace to take such steps as may enable the authorities here to carry into execution their desire for an extension of postal communication between this Province and the shores of the Pacific.

I have, &c.  
(signed) *Monck*.

Enclosure in No. 1.

COPY of a REPORT of a Committee of the Honourable the Executive Council, approved by his Excellency the Governor General in Council on the 24 April 1862. Encl. in No. 1.

IN reference to the recent correspondence between the Provincial Government and the Governor of the Hudson's Bay Territory on the subject of the proposed overland communication with British Columbia, the Committee respectfully advise that copy of the same be transmitted by your Excellency to his Grace the Secretary of State for the Colonies.

(certified) *Wm. H. Lee*,  
Clerk of the Executive Council.

Sir,

Provincial Secretary's Office, Quebec, 15 April 1862.

THE Government of Canada have had their attention very strongly directed to the important subject of an overland communication with British Columbia through the Hudson's Bay territory, *via* the Red River, and I am now commanded by his Excellency the Governor General to inform you of the steps proposed towards effecting this object, and to seek the co-operation of the Hudson's Bay Company therein.

The Canadian Government do not wish at present to raise any question as to the rights of the company, who must be regarded as *de facto* in possession of the country intervening between Canada and British Columbia.

No. 1.  
Viscount Monck  
to the Duke of  
Newcastle, K.G.  
25 April 1862.

Enclosure.

They consider that most important public interests demand the establishment of a practicable line of communication across the continent, and they desire to have the practical aid of your Company in carrying it into effect.

Arrangements were made within the last four years for postal service with Red River; but the want of territorial rights at Red River, and along the greater part of the route, defeated the plans of the Canadian Government, and after a very considerable outlay the line had to be abandoned. Another effort is now being made in the same direction, and as the Hudson's Bay Company claim the rights of Territory and Government over this region, it is hoped they will also assume their co-relative duties, and unite with Canada in opening up the country.

The Canadian Government are about to establish steam communication with Fort William on Lake Superior immediately; a large tract of land at this point has been surveyed, and a Crown Lands agent has been recently appointed to reside there; appropriations have been made by the Legislature for roads towards Red River, on which free grants will be made to settlers, and every effort will be made to attract settlement; the ultimate object being the connexion with the Red River and Saskatchewan. Canada is therefore now prepared to guarantee that, so far as her undisputed boundary extends, every facility will henceforward exist towards a communication with the west.

The Canadian Government cannot doubt that the Hudson's Bay Company are fully alive to the vast importance of such a communication.

The recent gold discoveries on the Saskatchewan cannot fail to attract many adventurers, who must at present be principally drawn from the United States.

The Settlement of Red River itself has now its sole communication with Minnesota, and will naturally imbibe American principles and views, unless brought into connexion with the British Settlements east and west. Canada must look with some apprehension to the probable result that in a very few years the population lying to her west will be wholly foreign; and that unless facilities for settlement be afforded from Canada equal to those enjoyed from the United States, and unless efficient civil Government be speedily established, British rule over this part of the continent will virtually have passed away, and the key of the trade to British Columbia, and ultimately China, have been surrendered to our rivals.

The Hudson's Bay Company cannot desire a result that would equally militate against their own interests. And the Canadian Government therefore hopes for their hearty co-operation in opening of the Red River and Saskatchewan Territories by a communication from Canada to British Columbia.

The Government of Canada considers that in connexion with the means of transport across the continent, a telegraphic communication should be established as especially necessary for imperial interests, inasmuch as both the United States and Russia possess telegraphic lines to the Pacific; while Great Britain has no other mode of doing so, but through the Hudson's Bay Territory. Recent events have proved the paramount importance of such a line.

Leaving untouched, therefore, all disputed questions, I am commanded by his Excellency the Governor General, to state that the Canadian Government have decided at once to establish steam and stage communication to the extreme limit of the territory under their Government; and are ready to unite with the Hudson's Bay Company in a mail service and post route to British Columbia. The Canadian Government is also prepared to guarantee the construction of a telegraphic line to the extreme western limits of the province.

I request that you will inform me how far you will be prepared to act for the Hudson's Bay Company in carrying out objects of such great national importance; and which cannot be long delayed without the most serious injury to the interests of the empire, and especially to the future progress and security of Canada.

Alexander G. Dallas, Esq.,  
Governor-in-Chief of Rupert's Land,  
Montreal.

I have, &c.  
(signed) C. Alleyn.

Sir,

Montreal, 16 April 1862.

I HAVE the honour to acknowledge receipt of the important communication which you have addressed to me by command of his Excellency the Governor General, under date the 15th instant, wherein you intimate the desire of the Government of Canada to establish an overland communication with British Columbia through the Hudson's Bay territory, as well as the steps proposed towards effecting that object; and further request the co-operation of the Hudson's Bay Company therein.

After stating that the Government of Canada, regarding the company as *de facto* in possession of the intervening territories, does not wish to raise any question as to its rights, you proceed to point out the great public interests which are involved by the formation of a chain of settlements, connecting Canada with British Columbia, by postal and telegraphic services, the paramount importance of which is proved by recent events.

You also point out the danger of the Red River Settlement, from its close connexion with Minnesota, consequent upon its isolated position with regard to Canada, becoming imbued with American principles and views, and passing away to our rivals, thus depriving the country of the key of the trade to British Columbia, and ultimately to China.

While



While fully admitting the force of the above arguments, and the immediate necessity of some arrangements being come to, I am reluctantly compelled to admit my inability to meet the Government of Canada in this forward movement, for the following reasons:

1. The Red River and Saskatchewan valleys, though not in themselves fur-bearing districts, are the sources from whence the main supplies of winter food are procured for the northern posts, from the produce of the buffalo hunts. A chain of settlements through these valleys would not only deprive the company of the above vital resource, but would indirectly, in many other ways, so interfere with their northern trade, as to render it no longer worth prosecuting on an extended scale. It would necessarily be divided into various channels, possibly to the public benefit, but the company could no longer exist on its present footing.

The above reasons against a partial surrender of our territories may not appear sufficiently obvious to parties not conversant with the trade or the country, but my knowledge of both, based on personal experience, and from other sources open to me, point to the conclusion, that partial concessions of the districts, which must necessarily be alienated, would inevitably lead to the extinction of the Company.

2. Granting that the Company were willing to sacrifice its trading interests, the very act would deprive it of the means to carry out the proposed measures. There is no source of revenue to meet the most ordinary expenditure; and even under present circumstances the Company has practically no power to raise one. The co-operation proposed, in calling on the Company to perform its co-relative duties, pre-supposes it to stand on an equal footing with Canada.

It is not to be supposed that the Crown would grant more extensive powers to the Company than those conveyed by the charter. If any change be made, it is presumed that direct administration by the Crown would be resorted to, as the only measure likely to give public satisfaction.

Not having anticipated the present question, I am without instructions from the Board of Directors in London for my guidance.

I believe I am, however, safe in stating my conviction, that the Company will be willing to meet the wishes of the country at large, by consenting to an equitable arrangement for the surrender of all the rights conveyed by the charter.

I shall by the next mail forward copies of this correspondence to the Board of Directors in London, who will thus be prepared, in the event of the subject being referred to Her Majesty's Secretary of State for the Colonies.

I may state that it is my intention to make immediate arrangements, at the existing settlement of Red River, for the sale of land, on easy terms, free from any restrictions of trade. It would, I believe, be impolitic to make any distinction between British subjects and foreigners. The infusion of a British element must be left to the effects of a closer connexion and identity of interests with Canada and the mother country.

The Honourable Charles Alleyn,  
Provincial Secretary.  
&c. &c. &c.

I have, &c,  
(signed) A. G. Dallas.

— No. 2. —

(No. 124.)

COPY of a DESPATCH from His Grace the Duke of Newcastle, K.G., to  
Governor General Viscount Monck:

My Lord,

Downing-street, 3 June 1862.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, No 79,\* of the 25th of April last, and to transmit to you, for your information, a copy of a letter from the Hudson's Bay Company (received at this department a few days after your Despatch reached me), on the subject of establishing postal telegraphic communication, through the Company's territory, between Canada and British Columbia.

Although it is not in the power of Her Majesty's Government to grant assistance from Imperial funds for carrying out the objects which the Canadian Government has in view, there would be every desire, on their parts, to co-operate in any well-devised scheme for effecting this important communication across the American Continent. As a possible preliminary to such an undertaking, I would direct your Lordship's attention to the facilities for the acquisition of land which the Hudson's Bay Company announce their intention of offering to settlers proceeding to the Red River.

I have, &c.  
(signed) Newcastle.

No. 2.  
Duke of New-  
castle, K.G., to  
Viscount Monck.  
3 June 1862.

\* Page 3.

19 May 1862.†

† The enclosures to this Despatch will be found printed at page 3 of House of Commons Paper, No. 438, of 1863.

— No. 3. —

No. 3.  
Viscount Monck  
to the Duke of  
Newcastle, K.G.  
27 February 1863.

EXTRACT from a DESPATCH from Governor General Viscount *Monck* to His Grace the Duke of *Newcastle*, K.G.; dated Quebec, 27 February 1863 (No. 20).

Encl. 1.

Encl. 2.

I HAVE the honour to enclose, for your Grace's information, a report of the Postmaster General of Canada on the subject of the postal communication through what is termed "The North-West Territory" with British Columbia, and a Minute of the Executive Council founded upon it.

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Enclosure 1, in No. 3.

Encl. 1, in No. 3. COPY of a MINUTE of a Committee of the Executive Council, approved by His Excellency the Governor General, 9 February 1863.

THE Committee, having taken into consideration the report of the Honourable the Postmaster General on the expediency of opening up and better securing communication westward towards British Columbia through British territory, for a telegraphic and postal service, concur in the opinion expressed in that report, as regards the advantage of securing such communication, and humbly advise that a sum of 50,000 dollars be placed in the Estimates of the approaching Session, for the purpose of carrying out the same in the manner suggested in that report, or in any other that may hereafter be deemed more advantageous.

(certified) *Wm. H. Lee,*  
Clerk of the Executive Council.

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Enclosure 2, in No. 3.

Encl. 2 in No. 3. REFERRING to the correspondence had with his Grace the Duke of Newcastle, the Canadian Government, and certain of the officers of the Hudson's Bay Company, with reference to the establishment of postal and telegraphic communication, through the Company's territories (so-called), between Canada and British Columbia, and to his report of the 31st July last on the subject of postal communication with the North-west, the undersigned has the honour to submit, for the consideration of his Excellency the Governor General in Council, as follows:

The circumstances which, for some years past, have indicated the expediency of opening up communications westward from Lake Superior derive, in the judgment of the undersigned, additional importance from the recent and continuous intercourse with British Columbia, consequent upon the discoveries there of valuable goldfields; whilst the reported existence of the same precious metal in the fertile valley of the Saskatchewan has had the effect of awakening a yet deeper interest in what in Canada is popularly known as the Red River Country.

Under so powerful an impulse, a rapid stream of emigration has set towards the Pacific, which gives indications of indefinite expansion, in view of the encouraging reports which are constantly received of the richness of the mines and the value of the country as a field for settlement. The shortest and most natural route to these inviting territories lies through the St. Lawrence and its chain of tributary lakes. But, owing to the want of facilities for transit beyond the head of Lake Superior, persons destined for the western settlements necessarily make the voyage by sea, or accomplish the first stage in the land journey (Fort Garrie, on the Red River) by way of Minnesota and Dacotah. Thus it may in truth be said that the people of the neighbouring States hold the key to the British possessions in the West; and while by this means their wild lands are being settled and improved, ours, lying immediately adjacent, and quite as well fitted for cultivation, remain a mere hunting-ground for the sole benefit and advantage of a company of traders, whose object it is to keep them a wilderness productive only of game, and who, to this end, do all in their power to divert into foreign channels, to the promotion of alien interests, the commerce carried on by them with the outside world.

In the judgment of the undersigned, the time has arrived when more decisive and effective means than have been yet put forth should be employed in opening up and perfecting the communication westward from Lake Superior through British territory. Cut off from intercourse with their fellow-subjects, except on condition of submitting to the inconveniences, the losses, and the numerous vexations of a circuitous journey through a foreign country, and which, on the occurrence of difficulty, would be closed to them, or but afford facility for their invasion and, under the circumstances, all but certain conquest, the people of the Red River Settlement have for many years past been loud in their expressions of dissatisfaction.

Minnesota



Minnesota and not Canada is, from imperious necessity, the emporium of their trade; the chief recent additions to their population are from the United States; and their sympathies, in spite of their wishes, are being drawn into a channel leading in an opposite direction from that of the source of their allegiance. In a word, the central link in the chain of settlements which should connect Canada with British Columbia is being rapidly Americanized; and, unless a prompt effort be made to advance British interests in that direction, there is reason to fear that incalculable mischief will follow.

The tendencies which have in the main operated in keeping the North Western Country closed to the industrial enterprise of the British and Canadian people may be traced to the alleged obstacles in the way of the construction of practicable roads and the improvement of navigation.

Recent explorations, however, prove these obstacles to have been greatly exaggerated.

The expeditions of the Imperial and Canadian Governments demonstrate the entire feasibility of establishing communication, for postal and telegraphic service, at reasonable rates through the territories which the Hudson's Bay Company claim as being under their jurisdiction.

Starting from the head of Lake Superior (with which, during the summer months, constant intercourse is maintained by steamers) the route naturally divides itself into three sections—the first extending to the Red River Settlement, the next stretching forward to the Rocky Mountains, and the third reaching thence to the Pacific. It may be advantageous briefly to consider the principal characteristics of each, in the order in which they are here presented.

Mr. Simon Dawson, who explored the first-named section of the route in 1858, under the direction of the Provincial Government, describes that portion of it extending from Lake Superior to Lake Winnipeg "as a hilly and broken country, intersected by rapid rivers and widespread lakes. The mountains, however," he adds, "do not rise to any great elevation, except on the immediate borders of Lake Superior, and there are some fine alluvial valleys, the most extensive of which is that of Rainy River. The lakes and rivers," he goes on to say, "present long reaches of navigable water, the principal of which, extending from Fort Francis to the western extremity of Lake Plat, is 158 miles in length. Dense forests cover the whole of this region, and the most valuable kinds of wood are seen in various places and in considerable quantities." The most difficult and laborious part of the journey is the first, leading up to the "height of land," from Lake Superior. Before Mr. Dawson's exploration the rocky, broken structure of the country by the Kaministiquia was thought to present an insuperable barrier to further extension, except at an immense expenditure; but his examinations led to the discovery of a good line from Thunder Bay to Dog Lake, by which the entire practicability of that part of the route was established. The country from the Lake of the Woods to Fort Garrie is spoken of by the same authority as a region differing as widely as may be in its physical character from that which had previously been described. Although the distance across from the Lake of the Woods to Red River is but 90 miles, the country gradually undergoes a change for the better, until the prairie region is reached, about 30 miles east of Fort Garrie; thence through the Red River Settlements, by the Valley of the Saskatchewan, to the base of the Rocky Mountains (forming the second section of the route), the country presents the same favourable characteristics of fertile prairie, thinly wooded here and there by clumps of timber. Over this, by far the most extensive of the three divisions referred to, good natural roads, in constant use by the Red River settlers and the Hudson's Bay Company's employés, already exist; besides which, the Saskatchewan River is reported, on good authority, to be navigable for steamboats from near its mouth, with but one short interruption, to the very foot of the mountains. The crossing of the Rocky Mountains has been objected to as one of the obstacles in the overland route, but that too has been proved, by actual exploration, to be much less formidable than it had been supposed; Captain Palliser, in his report to the British Government, stating—"I am rejoiced to say that I have completely succeeded in discovering a pass, practicable not only for horses, but one which, with but little expense, could be rendered available for carts also. This pass will connect the prairies of the Saskatchewan with Her Majesty's possessions on the west side of the Rocky Mountains." And further on in the same report, speaking of another pass, explored by Dr. Hector, who was attached to the expedition in a scientific capacity, Captain Palliser adds: "He found the facilities for crossing the mountains so great as to leave little doubt in his mind of the practicability of constructing even a railroad connecting the plains of the Saskatchewan with the opposite side of the main chain of the Rocky Mountains." Dr. Hector himself in his report says, "The ascent to the watershed from the Saskatchewan is hardly perceptible to the traveller, who is prepared for a tremendous climb, by which to reach the dividing ridge of the Rocky Mountains; and no labour would be required, except that of hewing timber, to construct an easy road for carts, by which it might be attained." Of the descent on the western slope of the mountains, he remarks, "A road for carts down the Valley of Vermillion River, from the height of land to the Kootanie River, could be cleared without difficulty; for, supposing the road to follow a straight line along the river, and the descent to be uniform, which it almost is, the incline would only be 40 feet in a mile, or 1 in 135." Other passes discovered indicate equal facilities.

With regard to the third or British Columbian section, as it appears, from the views held by his Grace the Colonial Minister, that Canada would not be expected to participate



in the construction of that part of the route, it is only necessary to say that its practicability has been satisfactorily proved. Captain Palliser, after giving all the details of his explorations west of the Rocky Mountains, claims as one of the results of the expedition under his command, "That we have succeeded in finding a way from the Red River Settlement across the Rocky Mountains to the mouth of Fraser River, entirely within British territory, and which, even in its wild state," he intimates to be "a route practicable for horses throughout." And here it may not be inappropriate to remark that there is abundant reason for believing that the hearty co-operation of the people of British Columbia would be certain in any judicious effort to bring them into closer intercourse with their fellow North American colonists. Of the prospective value of that intercourse, and as an indication of their anxious desire for the opening-up of communication between their own Colony and Canada, the undersigned, from numerous communications received by him on the subject, takes the liberty of quoting the following passage from a letter recently written him by a Canadian resident at New Westminster: "We hope that you and your friends will not forget us here, but that your best efforts will be directed to the opening-up of a communication with this country by means of an overland route, whereby a market might be secured for Canadian produce of which the colonists here would most gladly avail themselves. I believe that Canada could supply the miners in the Cariboo district as cheaply, if not more cheaply, than they were able to get their supplies this summer. \* \* \* This country would pay in treasure, the very thing you want; for just as soon as provisions can be obtained here at a reasonable rate, say 25 to 30 dollars per barrel for flour, there would at once be an immense extent of mining country opened up. \* \* \* Canadians now exert a controlling influence here, and our great desire is to see a practicable road constructed between the Canadian and British Columbian Provinces."

The availability, then, of a continuous route on British soil being established, the question arises as to its suitability for settlement. On this point there exists abundant favourable evidence. Speaking generally of the country from Lake Superior to Red River, Sir Alexander M'Kenzie says: "There is not perhaps a finer country in the world for uncivilized man. \* \* \* It abounds in everything necessary to the wants and comforts of such a people; fish, venison, and fowl, with wild rice, are in great plenty." And more particularly specifying the central part of the same tract of country, Sir George Simpson, in his interesting work, "A Journey round the World," says that the country between Lake of the Woods and Rainy Lake is most favourable to agriculture, resembling in some measure the banks of the Thames near Richmond; and, describing the water-communication from Fort Francis downwards, he asks, "Is it too much for the eye of philanthropy to discern, through the vista of futurity, this noble stream, connecting as it does the fertile shores of two spacious lakes, with crowded steamboats on its bosom, and populous towns on its banks."

Corroborative of this testimony is that of Sir Alexander M'Kenzie, who, speaking of the same stream, says, "This is one of the finest rivers in the North-west. \* \* \* Its banks are covered with a rich soil, particularly to the north, which in many parts is clothed with fine open groves of oak, with the maple, the pine, and the cedar." Of the country watered by the Red River and Lake Winnipeg, Mr. John M'Leans says: "Red River rises in swamps and small lakes in the distant plains of the south, and, after receiving a number of tributary streams that serve to fertilize and beautify as fine a tract of land as the world possesses, discharges itself into the eastern extremity of Lake Winnipeg, in latitude 50°. The climate is much the same as in the midland districts of Canada; the river is generally frozen across about the beginning of November, and open about the beginning of April. The soil along the banks of the river is of the richest vegetable mould, and of so great a depth that crops of wheat are produced for several years without the application of manure. The banks produce oak, elm, maple, and ash. The woods extend rather more than a mile inland. The farms of the settlers are now nearly clear of wood; an open plain succeeds, of from four to six miles in breadth, affording excellent pasture. Woods and plains alternate afterwards, until you reach the boundless prairie." In another place the same writer says: "Thus it happens that the Red River farmer finds a sure market for six or eight bushels of wheat and no more. Where he finds a market for the remainder of his produce, Heaven only knows! I do know this much, however, that the incomparable advantages this country possesses are not only in a great measure lost to the inhabitants, but also to the world, so long as it remains under the dominion of its fur-trading rulers."

"In the possession of and subject to the immediate jurisdiction of the Crown, Assiniboine would become a great and flourishing colony, the centre of civilization and Christianity to the surrounding tribes, who would be converted from hostile barbarians into a civilized and loyal people; and thus Great Britain would extend and establish her dominion in a portion of her empire that may be said to have been hitherto unknown to her, whilst she would open up a new field for the enterprise and industry of her sons."

On this head there is much additional testimony; but two further quotations may suffice. One is an extract from an article published in May 1860, in the newspaper established in the Colony by a gentleman from Canada, whose statements are entitled to the fullest credit: "One farmer says, that last year he put down eight bushels of wheat on four acres of land, and got a return of 153 bushels: this was 19 to 1, and about 38 to the acre; another says he put down 43 bushels on 18 acres, and obtained 753 bushels: this is more than 17 to 1, and 42 to the acre; a third put down 16 bushels on eight acres,

and



and had 401 of a return, making 25 bushels to 1, and 50 to the acre. Two others are as follows: seven bushels, sown on four acres, yield 170 bushels, being 24 to 1, and 42 per acre; again, six bushels sown on 4 acres returned 180, which made 30 to 1 sown, and 45 to the acre. The fields were accurately measured, and the facts and figures were carefully made out, and may be relied on."

The other quotation is from the evidence of Colonel Crofton, before a Committee of the House of Commons:—

"Question 3197. Mr. Roebuck.] Can you tell me when the spring or summer there (in the Red River Settlement) begins?—The season opens about the first week in April, and closes about the middle of November.

"3198. That is about what occurs in Lower Canada?—I thought it was about that of Upper Canada; I may be wrong.

"3199. Does the summer season close as early as the middle of November?—The summer season may be said to close in August; but the finest weather is what is called the fall, which extends from August to the middle of November.

"3200. When does the permanent snow fall?—It commences in the latter part of November, and is not off the ground until the first week in April.

"3201. Had you any opportunity of seeing anything of agriculture when you were there?—A great deal.

"3202. What sort of crops did they grow?—Oats, barley, and wheat chiefly; but all sorts of vegetables.

"3203. Did the wheat ripen?—In 90 days from sowing.

"3204. It ripened very perfectly?—It was the finest wheat I ever saw.

"3205. Was the soil fertile?—Along the immediate banks of rivers, and extending for, perhaps, the breadth of two miles, no finer loamy soil could be seen with a limestone foundation.

"3206. Is it geologically limestone?—All.

"3207. And wherever limestone is there is fertile land, is not there?—I think that is the consequence.

"3208. Do you know how far the limestone extends; looking at that map?—I have ascertained from servants of the Hudson's Bay Company that it extends, as a base of the whole prairie-land, to the Rocky Mountains.

"3209. So that, in fact, that part of the territory is fit for agriculture?—Quite so.

"3210. And would make a good colony?—It might maintain millions."

As to the Saskatchewan country, the richness of its soil and its adaptability for settlement are so well known and understood, that it is unnecessary to dwell on them at so great length.

This country is the favourite resort of vast herds of buffalo, an unerring indication of the mildness of the climate and the fertility of the soil. Captain Palliser speaks of it as a partially-wooded country, abounding in lakes and rich natural pasturage, in some parts rivalling the finest park-scenery in England.

The bulk of the valuable trade of the Red River country is at present made tributary to the Western States. Penetrating through their own unsettled territory a distance of some hundreds of miles, the people of Minnesota have spared no exertion or expense to secure the large and profitable commerce of the Red River country beyond.

The returns have amply rewarded them for their outlay. And if mere trading interests are considered as a sufficient compensation by the Minnesotians for opening up communication to the Red River (to them a foreign country), how much more ought the same considerations, when superadded to the many others of equal if not of yet higher importance, which apply in the case of Canada to cause surprise in regard to our indecision and supineness in not long before stretching forth our communications, so as to embrace a country presenting so many inviting features of interest?

The trade passing between the Red River Settlement and the United States, even in the present condition of the North-west, was stated by the Earl of Carnarvon, in his place in the House of Lords, to amount to no less than 1,500,000 dollars during the summer of 1859: added to this, traffic to the amount of at least 500,000 dollars finds its way through the channels of the Hudson's Bay. Thus there is a commerce of about 2,000,000 dollars annually maintained with the North-west, the greater portion of which, even supposing most of the country to continue under the control of the Hudson's Bay Company, would pass over the proposed new route, attracted thither by the three combined requisites—cheapness of carriage, shortness of the road, and speed.

Such being the trade of the country whilst as yet but slightly improved from its natural state, who shall estimate its value when brought under the influences of advancing civilization, and made to administer to the wants of the millions we are assured of its capability of sustaining in comfort and affluence?

The undersigned respectfully submits that such a territory ought not to be permitted longer to remain under the sole control of the mere handful of traders, however powerful and influential, who have hitherto monopolised its rich resources, and for so many years barred out all others from a participation in its advantages.

Sooner or later their hold upon those portions of it specially suitable to agriculture must be relaxed; and a movement having for its object an end so desirable is deserving of prompt and liberal encouragement. In our proceedings hitherto we have been far too

tardy. Our apparent indifference and unconcern have been taken advantage of by the Hudson's Bay Company to assert, with continuously increasing pretension, their claims to the entire territory; and, to-day it may be said with truth that they feel themselves stronger than ever before in their claims to keep, if they choose, for all time to come unsettled a vast region in every way suited to human habitation.

Without any suggestion at present as to legal title, it is sufficient that we are invited by his Grace the Duke of Newcastle to join in adopting means to effect the communication on this side to the summit of the Pass of the Rocky Mountains; and that while, in his Despatch of the 3d June last, he promised the co-operation of the Imperial Government, he afterwards intimated to the House of Lords, on the 4th July last, his hope "that when Parliament met next year he should be able to inform their Lordships that some progress had been made towards the establishment of postal communication between Canada on the one side and New Westminster on the other." In the opinion of the undersigned it is not only desirable but essential that advantage be taken of the present favourable disposition of the Imperial Authorities.

The late Administration, yielding to the pressure of public opinion, exhibited, as well as professed, a strong sense of the practical importance of opening up the first link of the route. To this end subsidies were from time to time, at their request, readily granted by Parliament; but for some cause or other—whether arising from difficulties occasioned by rival claimants for the performance of the service, or want of judgment in the parties immediately concerned in the application of the funds, or otherwise, it is not for the undersigned here to express an opinion—the means granted by the liberality of the Legislature for a good and useful purpose were worse than wasted, although during the first year, before partisan rivalry had been introduced, and when real efforts were directed to the solution of the question, as to the commercial advantages and the feasibility of the project, success beyond the expectation of the parties engaged was the actual result.

As to the difficulties suggested by the Hudson's Bay Company through their officers, Governors Berens and Dallas, in the correspondence herein referred to, those gentlemen, in truth, substantially, though evidently unwittingly, vindicate most strongly the views contended for by the advocates of improvement and colonization.

The first and second of the objections of Governor Berens, as to the practicability of the route between Lake Superior and Red River, and the deductions to be drawn from the failure of the projects hitherto encouraged by the Canadian Government, are sufficiently met by what has gone before. His next statement establishes, in the judgment of the undersigned, the very reverse of the conclusions he arrives at; and one finds it difficult to account for his permitting himself to be involved in such manifest inconsistencies as are apparent on the very face of his statement.

Directly in contradiction of the well-authenticated reports of others, among them Governor Dallas, who speaks of the Red River and Saskatchewan countries as the sources of supply of the employés of the Company, Governor Berens describes the country beyond the Red River to the base of the Rocky Mountains "as a vast desert, in some places without wood or water, exposed to the incursions of roving bands of Indians, and entirely destitute of any means of subsistence for emigrants, save herds of buffalo, which roam at large through the plains, and whose presence on any particular portion of these prairies can never be reckoned on. "These, again," he says, "are followed up by Indians in pursuit of food" (a good ground, one would say, for the buffalo not remaining all the time in the same particular places), whose hostility will expose travellers to the greatest dangers." One can well fancy precisely the same reasons being given by interested parties in any uncivilized country against its settlement. The Governor evidently loses sight of his design to prove the territory to be a vast desert, when he adds to that terror those of the Indians and the buffalo. The early settler in any part of America would tell him that the regions to which the Indian as well as the buffalo and other wild animals most resorted were those above all others the most fertile and fitted for cultivation, and just the sections most sought after by the pioneer, anxious within the shortest possible period to make for himself and those dependent upon him a habitation, and to aid in conquering for his country, with his axe, his spade, and his plough, fresh accessions and contributions to civilization and improvement.

The Governor's next fear, namely, that the construction of telegraph lines would be useless, because of the probability of their being burnt up, is just as groundless, as is apparent from the fact that over the boundless plains of California, and across the unsettled prairies of Illinois and other States, these almost indispensable accompaniments of civilization are in full, active, and undisturbed operation.

So with respect to the "depredations of the natives, and the general chapter of accidents:" these are encountered in every new country, and are not in our day anything like such formidable obstacles as they have been in the past.

On Governor Berens' principle, the settlement of any portion of America was a grave mistake, for at some time or other, and at every place within its vast extent, precisely the same difficulties which he conjures up in the shape of roving bands of Indians, wild animals, desolation by flood and tide, and tomahawk, as well as a "general chapter of accidents," existed over them all: however, the unconquerable white race triumphed, and to its energy and self-sacrificing exertions and indomitable perseverance the British and Canadian people are indebted for an inheritance such as Providence never before bestowed upon any race since the world began.



If they fail to improve their opportunities, the loss will be proportionate to the advantages otherwise certain of attainment.

Differing from Governor Berens as well as to the facts as with respect to the style of objection, Governor Dallas puts the whole matter on its true ground when he refers to the Saskatchewan and the Red River countries as the sources whence the Hudson's Bay Company draw their supplies of food. And the simple question in view of his admission is, as to whether or not these magnificent territories shall continue to be merely the source of supply for a few hundreds of the employés of a fur-trading company, or the means of affording new and boundless contributions to civilization and commerce; whether they shall remain closed to the enterprise and industry of millions, in order that the few may monopolise their treasures, and keep them for all time to come as the habitation of wild beasts and the trappers engaged in their pursuit.

It is but necessary to add that in point of distance, as well as in other respects, the Canadian route, with its facilities fully developed, would manifestly be the superior one.

From Toronto to Fort Garrie, by way of St. Paul (or, as it is called, the Minnesota route), the distance is over 1,500 miles; by the Lake Superior or Canadian, 1,114 miles. The former in its unimproved state was the more practicable, because of the nature of the soil, the evenness of the surface, and comparative absence of woodland; but, with each equally improved, ours would be decidedly the more advantageous.

It rests with us to see that our advantages are not thrown away.

In July last the undersigned, considering an arrangement, the preliminaries of which had been agreed upon, for the carrying of the mails to Fort William to be at once imprudent and useless as regards the opening-up of the territory, recommended its abrogation and the establishment of a temporary mail-service for the season, pending further action of a more permanent character. In the report which he had then the honour to make, and which was adopted by his Excellency the Governor General in Council, the importance of aiding in the securing of the needed communication with the North-west territories was fully sanctioned. He now respectfully submits, that to render effective the suggestions then so recognised, it is desirable that immediate steps should be taken to commence, at the opening of navigation next year, a series of operations having for their object, first, the establishment of a regular mail-service to the head of Lake Superior; and, secondly, the construction of roads, and the improvement of the lakes and rivers thence westward towards British Columbia.

From the best information obtainable on the subject, and which the undersigned believes to be wholly reliable, it is ascertained that a sum of 80,000 *l.* would be abundantly sufficient for the permanent opening-up and establishment of efficient and continuous land and water communication to Red River from the head of Lake Superior; thence to the passes of the Rocky Mountains, it is estimated that an additional 100,000 *l.* would be amply adequate.

Thus the whole expenditure, including steam-service on Lake Superior and on the navigable reaches beyond, would certainly not exceed 200,000 *l.*

With reasonable encouragement from the Government, the undersigned feels justified in stating that no more than ordinary difficulty would be encountered in the obtainment of the necessary means; and he has no doubt whatever, from the repeated assurances of his Grace the Duke of Newcastle, speaking on behalf of the British Government, that from the Imperial Authorities effective co-operation can be relied upon.

The question as to what is reasonably to be expected from Canada is that at present to be considered.

In view of all the facts and circumstances, and feeling that on our people it is the initiative in the matter rests—that it is to the Province the Imperial Government looks for a commencement of the movement, a movement demanded alike from our patriotism and our interests, the undersigned considers himself fully justified in submitting that, unless the Government deem it expedient to proceed under the direction of the Honourable the Commissioner of Public Works, as soon as it can be satisfactorily shown that competent and responsible parties are prepared to assume the work, they should propose to Parliament the granting of an annual subsidy of 50,000 dollars, or such other sum as his Excellency the Governor General in Council may deem judicious, for a term of years towards the undertaking. Should the above suggestion for a subsidy be concurred in, the undersigned will be in a position to submit to his Excellency the Governor General in Council the details of such arrangements as it may be desirable to make with responsible parties willing to perform the service; but as the question of the construction of works, as well as that of carrying the mails, would be involved, it is expedient that the Honourable the Commissioner of Public Works should be associated with him for that purpose.

All of which is, nevertheless, respectfully submitted.

(signed) *M. H. Foley*, Postmaster General.

Quebec, 17 October 1862.

— No. 4. —

(No. 49.)

No. 4.

Duke of Newcastle, COPY of a DESPATCH from his Grace the Duke of *Newcastle*, K.G., to Governor General Viscount *Monck*.

1 May 1863.

My Lord,

Downing-street, 1 May 1863.

I ENCLOSE copies of a letter\* addressed to me by Mr. Watkin, on behalf of the "Atlantic and Pacific Transit and Telegraph Company," and transmitting the heads of a proposal made by that Company for establishing telegraphic and postal communication from Lake Superior to New Westminster.

I also enclose copies of the answer which I have caused to be returned to that letter, and of a Despatch which I have addressed to the Governor of Vancouver Island. From these you will perceive that I value highly the advantages promised by this scheme, taken as it ought to be as part of a large scheme for connecting through British territory, the shores of the Atlantic with that of the Pacific; that I am prepared to accede, on the part of Her Majesty's Government, to the grant of land contemplated in the 3d Article of the "Heads of Proposal;" and that I have recommended the project to the acceptance of the Colonies of British Columbia and Vancouver Island, subject to such modifications of detail, if any, as further examination may show to be necessary. With this information I should wish you to submit the proposal for the consideration of your Government.

I have, &amp;c.

The Viscount Monck,  
&c. &c. &c.

(signed) *Newcastle*.

— No. 5. —

(No. 46)

No. 5.

Viscount Monck to  
the Duke of New-  
castle, K.G.

8 May 1863.

COPY of a DESPATCH from Governor General Viscount *Monck* to His Grace the Duke of *Newcastle*, K. G.

Quebec, 8 May 1863.

(Received 26 May 1863.)

My Lord Duke,

(Answered, No. 67, 4 July 1863. Page 14.)

I HAVE the honour to enclose a Memorial from the people of Red River, on the subject of the establishment of communication between Canada and British Columbia. This Despatch will be delivered to your Grace by Mr. Sandford Fleming, who has been deputed by the memorialists to act on their behalf, and to submit their views to Her Majesty's Government. Mr. Fleming is anxious to be allowed to place your Grace in possession of the information which he has acquired on the matters to which the memorial relates.

I have, &amp;c.

(signed) *Monck*.

## Enclosure in No. 5.

Encl. in No. 5.

MEMORIAL of the People of Red River Settlement to the British and Canadian Governments.

THE people of the Red River Settlement hereby desire briefly to set forth their views and wishes in reference to the proposed opening-up of the road from Canada to British Columbia through the Red River and Saskatchewan region, and the establishing of a telegraphic line along the same.

The people of Red River have long earnestly desired to see the Lake Superior route opened-up for commerce and emigration, and they rejoice to hear of the proposal to open up a road and establish a line of telegraphic communication through the interior to British Columbia entirely within British territory, believing that such works would greatly benefit this country, while subserving at the same time both Canadian and Imperial interests.

With reference to that section of the country lying between this settlement and Lake Superior, it is respectfully submitted that the difficulties to be encountered in opening-up an easy communication are entirely overrated.

It

\* The Enclosures to this Despatch will be found printed at pages 12, 13, and 16, of House of Commons Paper, No. 438, of 1863.



It is true that this route, for reasons which need not here be alluded to, has of late years been neglected; yet, when the fact is generally known that this was the regular route by which the North-West Fur Company imported and exported heavy cargoes for more than a quarter of a century, and which the Hudson's Bay Company have used more or less for nearly three-quarters of a century, it must be granted that the natural difficulties cannot be so great as they are commonly reported to be.

We, the people of this settlement, are so anxious to have a proper outlet in this direction, that we are quite prepared ourselves to undertake at our own expense the opening of a road from this settlement to Lake of the Woods, a distance of 90 or 100 miles, if England or Canada will guarantee the opening of the section from Lake of the Woods to Lake Superior.

From our intimate knowledge of the country lying between this place and the Rocky Mountains, we consider the project of a road in that direction perfectly practicable, at a comparatively small outlay. At all times during the summer season, loaded carts go from this place to Carlton, Fort Pitt, and Edmonton, on the Upper Saskatchewan; and last summer a party of Canadians, about 200 in number (*en route* to British Columbia), passed over the same road, and went with their vehicles to the very base of the Rocky Mountains; clearly showing that along the whole way there are, even at present, no insuperable obstacles to the passage of carts and waggons. And if in its present natural unimproved state the road is usable, it must be evident that only a comparatively small outlay would be requisite to make it all that could be desired.

The whole country through which the proposed road would run, almost from Lake Superior to the Rocky Mountains, is remarkably level. The surface of this vast region is, generally speaking, like the ocean surface in a calm; and, besides being so remarkably level, it is, for the most part, free from those heavy forests which, in Canada and elsewhere, cause such delay and expense in roadmaking. We believe a railway could be here laid at a cheaper rate than in most countries.

Having thus cursorily alluded to the practicability of the road, on which point our local knowledge and experience ought to give our views some weight, and while admitting the intense interest and satisfaction with which we view the prospect of a work fraught with so much good to us politically, socially, and commercially, we might be allowed to point out very briefly the views we entertain regarding its importance to England and Canada alike.

Canada would derive great benefit from the overland carrying-trade, which would spring up immediately on the establishment of this route, and the constantly-growing traffic of this district and British Columbia would thereafter be an ever-increasing source of profit.

Besides this, it may reasonably be presumed that the people of Central British America, present and prospective, would prove permanent and liberal customers in the markets of England and Canada. Be it remembered, moreover, that a vast fur business is carried on in this country, and that towards the Rocky Mountains gold has been discovered in many quarters. Besides gold there are iron, lead, coal, petroleum, and other minerals, which, together with the rich fur-trade, would prove a source of great wealth not only to this country but to Canada; and although the colonization and settlement of the vast area of cultivable land would somewhat curtail the territorial limits of the fur business, still the millions of acres north of the fertile tract will, in all probability, remain a rich fur-country for centuries to come.

This is the most natural highway by which commerce and general business with the East could be carried on; it would be also the most expeditious. And, as a result of such commerce and traffic along this route, Central British America would rapidly fill up with an industrious loyal people; and thus from Vancouver's Island to Nova Scotia, Great Britain would have an unbroken series of colonies, a grand confederation of loyal and flourishing provinces, skirting the whole United States frontier, and commanding at once the Atlantic and Pacific. In this connexion we feel bound to observe that American influence is rapidly gaining ground here; and if action is long delayed, very unpleasant complications may arise. Thus, both politically and commercially, the opening-up of this country, and the making through it a national highway, would immensely subserve Imperial interests, and contribute to the stability and glorious prestige of the British Empire.

These views the people of Red River desire most respectfully to present for the consideration of the British and Canadian Governments, and they earnestly hope that this year may witness the formal commencement of operations with a view to a telegraphic line, and a road from Lake Superior to this settlement, if not through the whole extent of country from Canada to British Columbia.

Red River Settlement,  
21 January 1863.

(signed) James Ross,  
Chairman of Public Meetings.

— No. 6. —

(No. 67.)

No. 6.  
Duke of Newcastle,  
K.G., to Viscount  
Monck.

4 July 1863.

\* Page 12.

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to  
Governor General Viscount *Monck*.

My Lord,

Downing Street, 4 July 1863.

I DULY received your Lordship's Despatch, No. 46,\* of the 8th of May, transmitting a memorial from the people of the Red River on the subject of the establishment of a communication between Canada and British Columbia, and introducing to me Mr. Sandford Fleming, who was deputed by the memorialists to act on their behalf.

I am happy to say that there appear to be good prospects of fulfilling the object of their wishes, and I have the honour to enclose for your information a copy of a letter addressed by my direction to Mr. Fleming.

I have, &amp;c.

(signed) *Newcastle*.

29 June 1863.

Encl. in No. 6.

Enclosure in No. 6.

COPY of a LETTER from *T. Fredk. Elliot*, Esq., to *Sandford Fleming*, Esq.

Sir,

Downing Street, 29 June 1863.

WITH reference to your letter of the 10th instant, I am directed by the Duke of Newcastle to acquaint you that he has given his best attention to the memorial which was entrusted to you by the inhabitants of the Red River Settlement on the establishment of a regular communication with Canada.

The question of forming such a communication has long been under his Grace's anxious consideration, and at length he has every reason to hope that it will shortly be accomplished. A scheme is in preparation, and almost matured, for establishing a postal and telegraphic communication, embracing the Red River Settlement, in the route between Canada and British Columbia. With the aid of those two Colonies, which have already been addressed on the subject, and by means of a concession to the promoters of the enterprise of land in the district of country which is free from the rights of the Hudson's Bay Company, the Duke of Newcastle trusts that the execution of the project will be entered upon at no distant date.

I have, &amp;c.

(signed) *T. Frederick Elliot*.

*Sandford Fleming*, Esq.,  
&c., &c., &c.

— No. 7. —

(No. 17.)

No. 7.  
*C. Fortescue*, Esq.,  
M.P., to Viscount  
Monck.

COPY of a DESPATCH from *C. Fortescue*, Esq., M.P., to Governor General  
Viscount *Monck*.

My Lord,

Downing Street, 9 February 1864.

With reference to my Despatch, No. 49,\* of the 1st of May last, I have the honour to acquaint your Lordship that I have received, through the Governor of Vancouver Island, a copy of a Resolution arrived at by the House of Assembly of that Colony, on the 25th of November last, to the effect that whilst regarding the designs of the Atlantic and Pacific Transit and Telegraph Company with warm interest, the House forbears to proceed to active measures in furtherance of them until the intentions of the Canadian Government respecting the undertaking are made public.

I have, therefore, to request that you will take an early opportunity of acquainting me with the views of your Government on the subject.

I have, &amp;c.,

(signed) *C. Fortescue*,(In the absence and by the authority  
of the Duke of Newcastle.)

\* Page 12.



— No. 8. —

(No. 18.)

COPY of a DESPATCH from Governor General Viscount *Monck* to his Grace the Duke of *Newcastle*, K.G.

Quebec, 19 February 1864.

(Received 8 March 1864.)

My Lord Duke,

I HAVE the honour to enclose a report of the Executive Council on the proposals of the Atlantic and Pacific Transit and Telegraph Company, transmitted to me with your Grace's Despatch, No. 49,\* of the 1st May 1863.

I have, &c.  
(signed) *Monck*.

No. 8.  
Viscount *Monck*  
to the Duke of  
*Newcastle*, K.G.  
19 February 1864.

\* Page 12.

## Enclosure in No. 8.

COPY of a REPORT of a Committee of the Honourable the Executive Council, approved by His Excellency the Governor General on the 18th of February 1864. Enclosure in No. 8.

THE Committee of the Executive Council have had under consideration a Despatch, No. 49, from his Grace the Duke of Newcastle, dated 1st May 1863, with enclosures, on the subject of a proposal of the "Atlantic and Pacific Transit and Telegraph Company" to establish telegraphic and postal communication from Lake Superior to New Westminster, in British Columbia. The Committee have also had communication of certain correspondence laid before the House of Lords by the Imperial Government, in answer to an address, dated the 2d of July 1863, which has an important bearing on the project referred to in his Grace's Despatch.

The "Atlantic and Pacific Transit and Telegraph Company" appears to have been organized by certain influential capitalists in London, in consequence of interviews and discussions which took place between them and Messrs. Sicotte and Howland, on the occasion of their visit to England in December 1862, as Canadian delegates in the matter of the Intercolonial Railway. The proposition of Messrs. Sicotte and Howland was for "the construction of a telegraph line, and of a road to establish more frequent and easy communication between Canada and the Pacific, and to facilitate the carrying of mails, passengers, and traffic," which they thought would be "highly favourable to the settlement of an immense territory," and also of "great advantage to the trade of England." They expressed their opinion to the gentlemen proposing to form a company to construct the work, that the "Canadian Government would agree to give a guarantee of interest at the rate of 4 per cent. upon one-third of the sum expended, provided the whole sum did not exceed 500,000 £, and provided also that the same guarantee of interest will be secured on the other two-thirds of the expenditure by Imperial or Columbian contributions." At a subsequent stage of the negotiations, Messrs. Sicotte and Howland, though unwilling to believe that Her Majesty's Government would not accede to the proposal of co-operation, expressed their opinion that the Canadian Government would grant to a Company organized as proposed, a "guarantee of interest even on one-half of the capital stated," should the Imperial Government refuse to contribute; but they declare they would not advise or press with their colleagues a higher rate of interest than 4 per cent. These gentlemen were therefore of opinion, that to secure the object they had mentioned, viz.: "a telegraph line, and a road to establish more frequent and easy communication between Canada and the Pacific, and to facilitate the carrying of mails, passengers, and traffic," the Government of Canada would be willing to contribute an annual aid or subsidy of not more than ten thousand pounds (10,000 £). The Canadian delegates did not in the opinion of the Committee over estimate the importance of the objects stated, nor the willingness of the Canadian people to grant pecuniary aid in order to secure them. But the Committee observe that the "Heads of Proposal" submitted by Mr. Watkins on behalf of the "Atlantic and Pacific Transit and Telegraph Company," and enclosed to your Excellency by his Grace the Duke of Newcastle, are for a line of telegraph only. It is true that in the preamble of the document "a mail post" is mentioned, and in the first "head" it is stipulated that the Imperial Government, the Colonies and the Hudson's Bay Company shall each grant "land" and "all such rights" as may be required for the "post route," telegraph and necessary stations; but the Company do not propose or agree to construct anything but a "line of telegraph." The road contemplated by Messrs. Sicotte and Howland to facilitate the carrying of "mails, passengers, and traffic," is not provided for in any of the "Heads of Proposal."

It is proposed in the second "head" that the line of telegraph shall be divided into sections, and so soon as telegraphic communication shall be established throughout any such section, "the Colonies of Canada, &c. will guarantee to the Company a rate of profit on the capital expended, of "not less than 4 nor more than 5 per cent.," the total capital guaranteed being limited to 500,000 £. Canada might thus be called upon to pay interest on the cost of sections of a telegraphic line wholly without her territory, and having no connection with any line within it.

The Committee notice also that in the observations of his Grace the Duke of Newcastle on the "Heads of Proposal" submitted by Mr. Watkin, and which observations are trans-

mitted to your Excellency for the information of the Canadian Government, the construction of a road to facilitate the carrying of "mails, passengers, and traffic" seems not to be contemplated. The Committee further observe that while his Grace speaks of the benefit which the Colonies are to receive as that of "direct telegraphic communication" merely, he declares that "the commencement of the undertaking must depend on the willingness of the Canadian Government and Legislature to complete telegraphic communication from the seat of Government to the point on Lake Superior, at which the Company will take it up," a condition which would involve the construction and maintenance by Canada, at her own cost, of several hundred miles of telegraph line through a wilderness.

The Committee have not been able to persuade themselves that the people of Canada would be likely to receive benefits corresponding to the cost of constructing a line of telegraph from the seat of Government to the head of Lake Superior, and guaranteeing half the interest of the cost of constructing a line from that point to the Pacific coast, unless, at the same time, the fertile valleys and plains of the Great North-West are made accessible to Canadian settlers and to European emigrants who are in quest of cheap lands, under the protection of the British flag and a free constitutional Government.

A "telegraph line" will not accomplish these objects, though it may serve an important purpose and lead ultimately to their attainment. But unless the "Atlantic and Pacific Transit and Telegraph Company" are prepared to undertake the construction of a road *pari passu* with the telegraph line, the Committee cannot, in the present condition of the Canadian Exchequer, and with the important questions of boundary, territorial jurisdiction, and form of Government in the vast territory proposed to be opened, still unsettled, recommend the acceptance of the "Heads of Proposal" as submitted by them, and conditionally approved by his Grace.

The Committee are of opinion that, in view of the recent change in the constitution and objects of the Hudson's Bay Company, which, from the correspondence laid before the House of Lords, appears to have been effected; and the claims which the new organization have reiterated, with the apparent sanction of his Grace the Duke of Newcastle, to territorial rights over a vast region not included in their original charter, it is highly expedient that steps be taken to settle definitely the north-western boundary of Canada.

The Committee, therefore, recommend that correspondence be opened with the Imperial Government with the view to the adoption of some speedy, inexpensive, and mutually satisfactory plan to determine this important question, and that the claim of Canada be asserted to all that portion of Central British America which can be shown to have been in the possession of the French at the period of the cession in 1763.

(Certified.) *Wm. H. Lee,*  
Clerk of the Executive Council.

— No. 9. —

EXTRACT from a LETTER from Sir *Frederic Rogers*, Bart., to the Right Honourable Sir *Edmund Head*, Bart., dated Downing-street, 6 June 1864.

"Mr. CARDWELL does not understand that you are willing to undertake to complete a line of telegraph and road to the Pacific until you shall have received the assurances from Canada, British Columbia, and Vancouver Island, to which reference has been made in the former correspondence."

— No. 10. —

EXTRACT from a LETTER from the Right Honourable Sir *Edmund Head*, Bart., to Sir *Frederic Rogers*, Bart., dated Hudson's Bay House, London, 7 June 1864.

"WITH regard to the latter part of your letter, the Hudson's Bay Company are prepared to take steps at once for the erection of the telegraph from Pembina or Rainy Lake (as the case may be) to the Pacific at New Westminster. Whether they would connect this line with the Canadian line over British territory would depend upon the readiness of the Canadian Government to complete their own telegraph up to Rainy Lake, and fulfil conditions similar to those which were originally discussed with the Duke of Newcastle. As a matter of course, the Hudson's Bay Company would expect from the Government of British Columbia such support and assistance as would on their part be equivalent to the benefits conferred by a direct and easy communication with the Atlantic ports, whether by way of Canada or of the United States."





CANADA AND PACIFIC TELEGRAPH.

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COPY OF EXTRACTS of any CORRESPONDENCE between the Colonial Office and the Authorities in *Canada* and *British Columbia*, on the subject of the proposed TELEGRAPHIC COMMUNICATION between *Canada* and the *Pacific* (in continuation of Parliamentary Paper, No. 438, of Session 1863).

(*Mr. Sinclair Aytoun.*)

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*Ordered, by The House of Commons, to be Printed,*  
*17 June 1864.*

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402.

*Under 3 oz.*



## ASHANTEE WAR.

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RETURN to an Address of the Honourable The House of Commons,  
dated 13 May 1864;—for,

“COPIES or EXTRACTS of any DESPATCHES from the Governor of the *Gold Coast* explaining the cause of the WAR with the King of *Ashantee* :”

“Of any DESPATCHES from the Secretary of State to the Governor of the *Gold Coast* directing him to prosecute the WAR :”

“RETURNS of the EXPENSE already incurred in this WAR :”

“And, of the Number of OFFICERS and EUROPEAN TROOPS landed at *Cape Coast Castle*, and Date of Landing.”

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Colonial Office, }  
14 June 1864. }

FREDERIC ROGERS.

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(*Colonel Dunne.*)

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Ordered, by The House of Commons, to be Printed,  
14 June 1864.

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COPIES or EXTRACTS of any DESPATCHES from the Governor of the *Gold Coast* explaining the cause of the WAR with the King of *Ashantee*; of any DESPATCHES from the Secretary of State to the Governor of the *Gold Coast*, directing him to prosecute the WAR; Returns of the Expense already incurred in this WAR; and, of the Number of OFFICERS and EUROPEAN TROOPS landed at *Cape Coast Castle*, and Date of Landing.

## Despatches from the Governor.

— No. 1. —

EXTRACT from a DESPATCH from Governor *Pine*, to His Grace the Duke of *Newcastle*, K.G., dated *Cape Coast Castle*, *Gold Coast*, 10 December 1862.

(No. 112.)

No. 1.  
Governor *Pine*  
to the Duke of  
*Newcastle*, K.G.  
10 Dec. 1862.

THE refuge afforded to runaway slaves and pawns under the British flag has, during my long experience, proved the source of the greatest irritation and annoyance to native kings and chiefs, and the wound the most difficult for Her Majesty's representative to heal; and, unfortunately, I find here such questions of every-day occurrence.

While addressing these lines to your Grace, I have two claims from the powerful and much-dreaded King of *Ashantee* for the restoration of his subjects.

The first case is that of a slave boy, who some weeks since escaped from his master on his way back to *Ashantee*, and took refuge in the kingdom of *Assin*, under this Protectorate.

As has been the custom, I desired the King of *Assin* to restore the boy to his Sovereign, and he is immediately sent down to me with special messengers.

An inquiry takes place in the hall of this castle, when the runaway boy avows himself to be a slave; that he was overloaded, and otherwise cruelly illtreated by his master; that he has taken the King's oath not to return to *Ashantee*; that death will be the penalty for his offence; and that by force alone will he leave the Protectorate.

The master admits the boy to be a slave, but declares that for my sake the King of *Ashantee* will not take his life.

The second case is that of an old man (not a slave) who is claimed by the axe-bearer, sword-bearer, and followers of the King of *Ashantee*, who exhibit their symbols of office with much ceremony, and are considered of more than ordinary importance.

This old man is accused of having received and converted to his own use a piece of (so called) rock gold, which by the law of the country must be accounted for to the King; there is not a tittle of evidence except the remotest hearsay in support of the allegation, and the accused solemnly denies the charge. He is a man of property, and declares that the King desires only to entrap him, take his head, and afterwards possession of his property.

The King's messengers offer to swear that the accused will be fairly tried, and, even if found guilty, will not lose a hair of his head.

The old man imploringly cries to me, "Kill me if you like; that will be better than giving my head to the King." And no one can assure me that I may rely upon the King's word; yet all would be delighted for me to restore to him his subjects.

Gladly would I try an experiment, and send back these subjects of *Ashantee*, for if confidence were once created between this Government and *Ashantee*, the

greatest obstacle in the way of amicable relations between us would be removed ; and if against the old man there were the slightest shadow of a *prima facie* case of criminality, my course would be clear ; but as it is, I dare not deliver him up, much less the runaway boy. Their blood would be upon my head. And yet I feel that I am estranging, if not exasperating the most powerful king on this coast, and upon whom, according to his ideas, I am committing a gross injustice.

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— No. 2. —

(No. 14.)

COPY of a DESPATCH from Governor *Pine* to His Grace the Duke of  
*Newcastle*, K.G.

Cape Coast Castle, Gold Coast,  
13 February 1863.

(Received 13 March 1863.)

No. 2.  
Governor *Pine* to  
the Duke of  
*Newcastle*, K.G.  
13 February 1863.

My Lord Duke,

I HAD the honour, in my Despatch, No. 112, 10th December 1862, incidentally to mention the case of two subjects of the King of Ashantee, who had sought refuge under the British flag, and to express a fear that my refusal to deliver them up would offend the king.

2. Immediately after my arrival, and prior to the occurrence alluded to, I had sent a corporal of the Gold Coast Artillery Corps to Coomassie, with the usual complimentary letter on my assumption of the government. He did not return until the latter end of last month ; but his absence did not at first excite surprise, as a long detention of a messenger by a powerful native king is not uncommon.

3. Within the last few days rumours have been afloat that the messenger had not been treated well by the King of Ashantee, and that his Majesty had taken offence, and was likely to resent it in some way or other. Major Cochrane, during my absence at Accra, after an examination of the messenger through an interpreter, was led to suppose that there might be some truth in the rumours which reached him from all sides, and sent to the principal kings and chiefs in the Protectorate, whose territories border on that of Ashantee, warning them to be on the alert.

4. On my return to Cape Coast I convened a meeting of the Executive Council, composed of, amongst others, Messrs. Blankson and Grant, native merchants of considerable influence and experience in the country, and after a careful examination of the messenger and the other alleged circumstances of suspicion, the council came to the decision that there were no present grounds for alarm.

5. Mr. Blankson's opinion I considered specially valuable, he having resided several years in the kingdom of Ashantee, and become personally acquainted with the King.

6. While addressing your Grace, rumours again reach me that the King of Ashantee has already detained subjects of the Protectorate, who were trading in his country.

7. Should these rumours be confirmed, I shall be driven to the conclusion that the King's intentions are hostile ; and, with the assistance of Major Cochrane, commanding the troops, shall take all the measures within my power for acting on the defensive, which, at present, would be the only possible course to pursue, as your Grace will readily conceive, when it is remembered that our whole force consists of less than 300 soldiers.

8. Should such a calamity as the invasion by the King of Ashantee befall us,—I am informed by most persons of experience that it may not be expected immediately,—but I shall not fail at once to call upon the naval authorities ; and your Grace may rest assured that I shall make the best preparation circumstances will permit to meet any emergency that may arise.

I have, &c.

(signed) *Richard Pine*, Governor.

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## — No. 3. —

EXTRACT from a DESPATCH from Governor *Pine* to His Grace the Duke of  
*Newcastle*, K.G., dated James Town, Accra, 10 March 1863 (No. 18).

No. 3.  
 Governor Pine  
 to the Duke of  
 Newcastle.  
 10 March 1863.

I HAD scarcely closed the Despatch which I had the honour to address to your Grace on the 13th ultimo, when it came to my knowledge that large quantities of munitions of war had recently been purchased by the subjects of the King of Ashantee, and that his messenger was on the road with a hostile message from his Majesty.

I then issued a proclamation, prohibiting the sale of munitions of war, except for the purposes of defence.

On the 17th ultimo the captain or chief, with his followers, who had visited me before on behalf of the King of Ashantee, arrived; and on the following day I received him in the Palaver Hall, when he delivered his message from his Sovereign, from which, although occupying nearly half an hour in relation, it was impossible to gather the slightest information. He then, with much form and ceremony, presented to me the King's letter, of which I have the honour to inclose a copy.

I did not deem it expedient to open this letter in the presence of the persons assembled, although I might say its contents were anxiously sought for by thousands.

I then dismissed the captain and his followers to the lodgings prepared for them, desiring that they should be treated with the utmost civility and attention.

The following morning I had a private interview with the chief, when all I could extract from him was, that the King had no intention of sending witnesses in support of the charge he alleged against his subject, Quasi Gainie, and that he was desired to hasten back with my final answer to the King's demand; and I appointed the following day for that purpose. I then proceeded to Elmina, as the guest of the Dutch Governor, on the occasion of the celebration of the birthday of his Sovereign.

Early on the following morning the Governor of Elmina informed me that he had received a letter and message from the King of Ashantee, complaining of my conduct, nearly in the same terms as that he addressed to myself. The Governor appeared much alarmed, admitted that a large quantity of munitions of war had been sold to the people of the King of Ashantee very recently, but that he had, at Elmina, prohibited a further supply at my request. He expressed his regret that he was unable to do more than remain neutral, as the King of Ashantee was his ally. He, however, offered to despatch an officer to the King of Ashantee as mediator between us, which offer I did not accept; and I then returned to Cape Coast Castle, to hold my palaver with the King's emissaries.

At the meeting were present all officers, civil and military, merchants, and as large a portion of the inhabitants of the town as could be accommodated in the Hall. When I had read aloud the long-expected letter of the King of Ashantee, the treaties and other documents connected with our relations with Ashantee were laid upon the table for inspection, and every person of long residence and experience in the settlements was invited to give information on the subject. The more the validity of the claim of the King of Ashantee to the restoration of his subject unconditionally by treaty was investigated, the more apparent it became that it was invalid; and it was the unanimous opinion of all present, that my compliance with the King's request for the delivery of his chief, Quasi Gainie, to death and plunder was impossible.

The whole of these proceedings were carefully explained to the King's emissaries; and they were asked whether they had been molested on their way down to Cape Coast Castle; when they replied that they had not, but that a small quantity of gunpowder and guns had been seized from them in the town of Cape Coast, and that some of their countrymen had been similarly treated by the different tribes through whose countries they had passed. I explained to them that the seizure in Cape Coast was in accordance with my proclamation, but that

Enclosure No. 1.  
 9 February 1863.

the other wrongs of which they complained were utterly without my sanction or approval, and had doubtless occurred (if at all) in consequence of the prevailing impression that the King of Ashantee meditated hostile proceedings against the Protectorate, an impression which had been created by the acts of the King himself.

Throughout the whole of this long interview, the Chief Captain behaved with the utmost self-possession and politeness, conversing freely on all subjects, but most assiduously avoiding all information or allusion to his King's intentions.

Enclosure No. 2.  
21 February 1863.

6. On the 21st ultimo I prepared the letter, a copy of which I have the honour to enclose; and after a long private conversation with the Captain and his followers, at his request the small quantity of powder and guns which had been seized from him at Cape Coast Castle was given up; and he took leave of me in an unusually friendly manner.

7. I then embarked for this place "*en route*" to Croboe.

A day or two after my departure the King's emissaries left Cape Coast with my letter, apparently much pleased with their reception, but leaving the impression on all persons of experience in the dealings of the King of Ashantee that his Majesty's intentions were as mysterious and suspicious as ever; and it is notorious that the subjects of this absolute monarch are silent as the grave with respect to the real secrets and intentions of their Royal master, and are taught to mislead their listeners.

Enclosure No. 3.  
21 February 1863.

8. On the 25th ultimo, a second messenger arrived from the King of Ashantee with the letter, a copy of which I have the honour to enclose; and, although opinions may vary on the subject, there is a general feeling throughout the Protectorate of suspicious alarm and uncertainty as to the ultimate intention of the King of Ashantee; and, after deliberate and cool consideration, I cannot convince myself that any circumstances have arisen which should cause me to relax my efforts and watchfulness for the defence of the Protectorate, or render unnecessary the precautions which I had already deemed expedient.

#### Enclosure 1, in No. 3.

Encl. 1, in No. 3.

The King of Ashantee to the Governor of the Gold Coast.

Your Excellency,

Kumasi, 9 February 1863.

YOURS was received safely by Ahmanquah Akkoomah on the answer of Quasi Gainie's case, because the case is between himself and his wife, who was pawned to him by his family; and it happened some quarrels between them about gold, which his wife said took from the ground and had given him, but Quasi Gainie said his wife have told lie; and the woman sworn the King's great oath, that she did not tell a lie. Quasi Gainie also sworn that he likes the case should be brought forward in the presence of the King; in the meantime they were King's messengers who were coming from different places happened to be present there instant to bring him, and he set them eight days time, and after the time fulfilled he set them a time of 10 days more; again fixed them 15 days time to come with them; and if he did not come then he is guilty; according as he said, the 15 days fulfilled and refused to come, the messengers condemned him to be guilty; and pronounced the woman faithful, and claimed from her according to the custom 4 oz. 8 acs. to bring to the King, and the returned the gold back, because the said Quasi Gainie has given his own word to come to the King to settle the case for him: for this reason, I return the gold back until he comes with his wife to proof the case before me; because he being the son of my captain I believe him more to see his case for him. But when they returned, they did not see him, but ran away to Cape Coast. I think you to be my good friend, and always I believe you that I can get back any of my slaves who run away to you; but in poor George Maclean's time, I made agreement with him in certificate, the one in Cape Coast Castle, and another in my hand therein stated, that any Fantee person run up to me to deliver him and to bring him to Cape Coast. And if any slave of mine also run away to Cape Coast, you are to deliver him back also to me, as all the Governors that take charge of Cape Coast Castle did not move from this agreement, but always filled the rules of the said poor George Maclean, except your time has destroyed the agreement. But little time before your coming, about 70 persons of Wassaw, your own subjects, ran away to my country, and the Governor of Cape Coast Castle sent a soldier to me for them, and I tried as much as possible and got them for the soldier to deliver them to him. These persons I subsisted them 4 oz. 8 acs. gold dust to maintain themselves in the way, because the Governor being a good friend to foreshown agreement, and also to me. But when you came any of my slave run away to Cape Coast, you and subjects take them, and would bring him to me, so you have taken more of my subjects, and even my grandson, and now you are going to take Quasi Gainie also. So you must not



not blame me for keeping my subjects from coming down to Cape Coast, but when any disturbances arise, then all the blame is upon you, because you have broken the rule of agreement. But one of my slaves, named Quarquah, who was witness to the said agreement, and who was the bearer of the certificate for me, is absent in the town, and I have sent messenger after him; but when he comes I will let him come with the book, that you may see your guiltiness.

I am, &c.

(signed) *Quacoe Duah*, of Ashantee.

Enclosure 2, in No. 3.

Governor *Pine* to the King of Ashantee. Encl. 2, in No. 3.

King, Cape Coast Castle, 21 February 1863.

On the 19th I received your Majesty's letter of the 9th instant, in reply to mine of the 16th December last, in which I stated my reasons for not complying with your Majesty's request, that I should deliver up Quasi Gainie, and that I could not do so without some evidence of the crime which he was alleged to have committed.

To your Majesty's messenger, "Ekumar," I explained that if anything like evidence were sent to me, such as that of the accuser, I would deliver Quasi Gainie.

I have carefully perused your Majesty's last letter, and interrogated your messenger; but both are silent as to any evidence having been sent, and the messenger, indeed, states that you do not care for evidence.

Your Majesty speaks of an agreement with the late Governor George Maclean; he should deliver you up all your runaway slaves and people, and that I am the first Governor who has broken this bargain; but I can find no such agreement; but, on the contrary, I find that Mr. Maclean himself says he gave up one or two persons, and those for proved crimes, upon payment of a sum of money.

I am willing to give up criminals, although there is no such agreement; but I do not consider Quasi Gainie a criminal until you prove him so.

Your Majesty complains that you gave up to this Government 70 of its subjects; but they had committed no crime, but were free people whom you detained; but I am sorry to say that up to this time you detain many more.

You say that I take and keep your subjects; but I never have, and never will; I request them to return to you; but I cannot force them; and I trust, therefore, that you will not prevent your subjects from coming here, because this will injure trade, and show that you desire to break the friendship between us.

You also say that if disturbances arise, I am to blame; but unless you cause disturbances they will not take place, I hope; and if they do, I trust you will help me to suppress them.

Your Majesty intends, it appears, to send a messenger, named Quar Quar, who was witness to the supposed agreement with Governor Maclean. I shall receive him well; and if he can convince me that Quasi Gainie should be delivered, I shall be happy to send him.

I am, &c.

(signed) *Richard Pine*,  
Governor and Commander in Chief, &c.

Enclosure 3, in No. 3.

The King of Ashantee to the Governor of the Gold Coast. Encl. 3, in No. 3.

Your Excellency, Kumasi, 19 February 1863.

I BEG to know the reason by my swordbearer, Asal, the reason why your Honour's subjects seized all my people whom trade business call them to visit your coasts, on the road, whereas I mentioned in my last letter, by Armanquah Eccoomah, that Quarquah, who was present at that time when poor G. Maclean wrote the note or agreement of peace, were come from where I sent after him, should call upon you with the agreement note to show you that you might see your guiltiness by which you alone brought upon yourself and this note, or the last answer, respecting the case of Quasi Gainie, has not reached your hand yet, before your people, especially Donnassie and Accra roads, when any of my subjects enter it, they are caught, but when I heard so I do not believe it till I come and ask from your Honour, my friend, the reason Orbin Chief at Ahdansie, also who knew and present at that time when agreement of peace note was made to take care of road between the British and Ashantee paths, did not know anything at all before your people began to seize the Ashantees; the reason his own bearer also, along his Majesty's, to demand the cause, I beg your Excellency to allow sooner, or in course of five days, return of my messenger.

I am, you friend and Majesty,

R. Pine, Governor, &c. &c. &c.,  
Cape Coast Castle.

King *Quacoe Duah*, at Ashantee.

— No. 4. —

(No. 33.)

No. 4.  
Governor Pine to  
the Duke of New-  
castle, K. G.  
15 April 1863.

COPY of a Despatch from Governor *Pine* to his Grace the Duke of  
*Newcastle*, K. G.

Cape Coast Castle, 15 April 1863.  
(Received 13 May 1863.)

My Lord Duke,

SINCE I had the honour to report to your Grace, further proceedings on the part of the King of Ashantee and the measures I had taken to repel his threatened invasion, four weeks of anxious anxiety have passed away, and I shall now proceed briefly to describe the events which have brought about the crisis at which we have arrived.

2. On the arrival of the "Adventure," from Lagos, I proceeded hence with all her force, consisting of 1 officer and 100 rank and file of the 2d West India Regiment, destined for the West Indies, together with the portion of the Gold Coast Corps, serving in the eastern districts, and disembarked the whole force at this castle.

3. From that time to this the tribes of the Protectorate have been arming and preparing themselves for the expected invasion, and have advanced to the support of those nearest the supposed enemy, whose attack is pretty well now established to be in two separate bodies, one in the district of Assin, and the other in the district of Akim.

4. I have supplied our allies with small quantities of ammunition, but have enjoined them in the strictest manner to abstain from hostilities, unless in case of absolute necessity. Still, from time to time, rumours have been prevalent that large parties of Ashantees have crossed the boundary and invaded the Protectorate, pillaging and overrunning the country, and compelling the allies to fall back; but until within the last few days it was not universally believed that invasion was imminent, and that the intentions of the King of Ashantee were warlike.

5. On the 30th day of March last, the Commodore arrived, and at my urgent request has remained here ever since.

6. On the 30th day of March last, I called a meeting of councillors and others at which the Commodore was good enough to attend, when it was decided that as no positive declaration of war has been made by the King of Ashantee, it was desirable to know whether the alleged incursions of his subjects were with his sanction and approval. Prince Ansah, a nephew of the King, volunteered his services, and desired to proceed to Coomassie, even on his own account. I hesitated slightly, in consequence of the suspicion which seems to be attached to an Ashantee by the inhabitants of the Protectorate, but on the assurance of the Rev. William West, and others well acquainted with Prince Ansah, I permitted his departure; and here I desire to record the courageous and disinterested offer of Staff Surgeon O'Callaghan, lately my Colonial Surgeon, to accompany the mission, and although I dared not risk the health, safety, liberty, or life of so devoted a public servant, I solicit from your Grace a favourable notice of the gallant conduct of this officer.

7. Mr. Ansah proceeded, therefore, alone, but has not as yet dared to advance further than within two days' journey of the River Prah, reporting that large parties of Ashantees occupy the intermediate territory.

8. A few days since the heads of four Ashantees have respectively been sent to Cape Coast Castle, Anamaboe, Winnebah, and Accra, which our allies aver to have been taken from among the parties of Ashantees whom they found destroying their crops of cassada, yams, plantains, palm nuts, and other articles of food.

Such atrocities, however much to be deplored, can scarcely be wondered at, but I have not failed up to this very moment to restrain the allies from aggression, so anxious have I been to avoid the horrors of war, and at least to guard against a shot being fired.

9. On



9. On the 10th instant a suspected spy was taken within a short distance of the coast, and conveyed to me. He stated himself to be a native of a country beyond, but tributary to, Ashantee; and that his master, a captain, with a company of 700 men, together with other captains having their own companies, were summoned some weeks since by the King of Ashantee. That, upon their arrival at the king's town, his Majesty instructed them to cross the Prah, and there to await his further command. That they did so cross the Prah some weeks since, and are awaiting orders. That the King told them in his (the spy's) presence, that they were to proceed to Denkerah, there take the head of the refugee Gainie, and then to advance to Cape Coast Castle, and there take the Governor's head. That the captains were further instructed, under the advice of the King's fetishmen, to send a messenger to the sea coast, for the purpose of procuring seawater and sand, to be used in the preparation of a fetish, which would ensure their success.

The spy told his story without the slightest hesitation, until he arrived at that portion which related to my ultimate fate; when he added that the captains had sworn the most solemn oath to obey the will of their sovereign.

10. Immediately after the examination of the spy, in the presence of the commodore, that officer, at my request, undertook to garrison this castle, Fort William, Fort Victoria, and to throw up earthworks on Connor's Hill, and other heights, and he and his officers and men are rapidly proceeding with their arduous task.

The object of this step is not only with a view to the defence of the seat of Government, but also to enable Major Cochrane, commanding the troops, to avail himself of the service of every man in the field at a moment's notice.

11. On the 13th instant I summoned an Executive Council, Commodore Wilmot and other officers assisting as members, when it was unanimously decided that Major Cochrane should take the field this day, not for the purpose of attacking the Ashantees, but with the view of observing their movements, concentrating the allies, encamping his little army in an advantageous position so as to command access to that point of the Protectorate the most sorely pressed; and to which camp I purpose proceeding in person so soon as it be established.

Major Cochrane has my strictest injunction to be well assured that the movements of the Ashantees are organized, sanctioned, and approved by their king; and to avoid, if possible, and by every means in his power, a conflict.

12. Our whole regular force does not exceed 400 men, which is, indeed, a small body to meet the enormous army which it is said the King of Ashantee has at command. But it is to be hoped that some 15,000 or 20,000 of our allies may be depended upon, and I have by this mail made requisitions for assistance upon the Governor of Sierra Leone and the Gambia.

13. It is impossible to convey to your Grace any idea of the difficulties which surround me in this vast country under existing circumstances, amongst others, the impossibility of procuring reliable information as to the actual state of affairs, and I have strictly avoided sending forth military officers or parties under the fear of their being cut off, and thus increasing my anxieties; and, for the same reason, it is deemed inexpedient that our force should be divided.

14. However inadequately I may have described the events which have recently taken place, I trust that I have convinced your Grace of my earnest desire and strenuous efforts to preserve peace; and, whatever be the result, I hope for your Grace's sympathy and approval.

I have, &c.  
(signed) *Richard Pine*, Governor.

## — No. 5. —

No. 5.  
Governor Pine  
to the Duke of  
Newcastle, K.G.  
12 May 1863.

EXTRACT from a DESPATCH from Governor *Pine* to his Grace the Duke of  
*Newcastle*, K.G., dated Cape Coast Castle, 12 May 1863 (No. 40.)

YOUR Grace will have perceived that there is an absence of military force in two of the divisions of the Protectorate, where Ashantee armies are advancing, a want which I am most anxious to supply on the augmentation of the military force here, as Major Cochrane declines to detach any portion of the men at his disposal for the purpose.

It is with the deepest regret that I find myself involved, in spite of all my precautions in a serious, and, I fear, lingering war; but such being the case, I will not conceal from your Grace the earnest desire that I entertain that a final blow shall be struck at Ashantee power, and the question set at rest for ever, as to whether an arbitrary, cruel, and sanguinary monarch shall be for ever permitted to insult the British flag, and outrage the laws of civilization.

This desirable object can be attained only by the possession of such a force as I fear the Governor of these settlements can never hope to command, unless your Grace should be pleased to urge upon Her Majesty's Government, the policy, the economy, and even the mercy of transporting to these shores an army of such strength as would, combined with the allied native forces, enable us to march to Coomassie, and there plant the British flag.

To a stranger the course I point out may appear a visionary one, but I am convinced that even with all the disadvantages of climate, the expedition would not be so dangerous, so fatal, or accompanied with such loss of life as have attended expeditions in other and apparently more genial climes; and with 2,000 disciplined soldiers, followed by upwards of 50,000 native forces, who require only to be led and inspired with confidence, by the presence of organized troops, I would undertake (driving the hordes of Ashantees before me) to march to Coomassie.

As the case now stands, the most I can hope is, to drive the Ashantees from the Protectorate, without the chance of administering that chastisement, or demanding that retribution which is so justly due to its inhabitants, and remain in constant dread of subsequent incursions of a powerful enemy.

Although I am not sanguine, the allies now in arms, amounting to upwards of 50,000 men, declare that, with the smallest additional military force, they would attempt to reach Coomassie if permitted; and I only hope that the assistance I have demanded from Sierra Leone and the Gambia, as I advised your Grace by the last mail, may arrive and be in such force as to embolden me to sanction such an enterprise, for I feel that any other measure must necessarily be incomplete.

## — No. 6. —

No. 6.  
Governor Pine  
to the Duke of  
Newcastle, K.G.  
10 June 1863.

EXTRACT from a DESPATCH from Governor *Pine* to his Grace the Duke of  
*Newcastle*, K.G., dated Edjimaca, 60 Miles North-east Cape Coast Castle,  
10 June 1863 (No. 47.)

ON the 21st ultimo I received a communication from Captain Williams, requesting instructions as to a released Fantee prisoner, the bearer of a flag of truce from the enemy's camp.

This messenger was also the bearer of two small pieces of cane, one considerably longer than the other. He said he was desired by Prince Owosococo, the nephew of the King of Ashantee, and Commander-in-chief of his invading army, to tell me that he (the Prince) was encamped at a place called Gaden, upon Berim, about 40 miles from this; that he had come to fetch King Adjiman, who had previously insulted and wronged the Prince's father; that he would have Adjiman dead or alive, but that he did not wish to fight with the white men or the Fantees; that if I would give up Adjiman, dead or alive, the war would be short, in which case I must send the shorter stick; but that if I refused

I must



I must send the longer, and that then he (the Prince) would remain in the territory for years.

Doubting the genuineness of this message, I determined, if possible, to send Prince Ansah, the brother of Owosococo (who was, as your Grace is aware, educated by, and is a pensioner of the British Government) to the Ashantee camp, to which he consented.

I subsequently despatched Prince Ansah in search of the Ashantee camp, accompanied by Mr. Bernasco, an assistant Wesleyan Missionary, who volunteered, as well as by four followers, supplied by the Fantee kings assembled.

My instructions to Ansah were to the following effect: that if the prisoner sent was in truth a messenger from the Ashantee commander, an accredited and responsible Ashantee should be sent into our camp with a flag of truce, otherwise that no parley could be held, and Ansah must return. That if the message had been correctly interpreted, Prince Owosococo was adding insult to injury, by demanding, for the first time, with an armed and invading force, a chief under British protection. That if Adjiman had committed any offence, the case should be duly investigated, but that redress must be at once made for the outrages committed by the invading army, and such army must then withdraw from the Protectorate.

Ansah was further instructed to use the utmost dispatch, as it was more than probable that the enemy's object was to gain time in order to recover his retreat from the Protectorate before he could be called to account; and it was distinctly understood that if his instructions were not acted up to, I should be at perfect liberty to proceed in any way which might be desirable, without reference to Ansah, who avowed himself to be in the most perfect security with his own brother.

On the 2d June I received a note from Ansah, a copy of which I have the honour to inclose; the bearers of which (who had accompanied Ansah) stated that Owosococo addressed to them the following words: "Perhaps, when you go back to the camp the white men and Fantees will ask you what I said. Tell them that I do not want to trouble them, but that I came for Adjiman, and Adjiman's head I will have—the Governor must send me Adjiman's jawbone." The prince then repeated as nearly as possible the message which had been brought with the flag of truce some days before.

1st June 1863.

After interrogating the messengers, I instructed Captain Williams and the allies to hold themselves in readiness to advance on the shortest possible notice, and I have remained up to this time in the greatest anxiety, not for the safety of Ansah or his party, but because I fear that the enemy will escape the necessary chastisement which he deserves.

It is needless for me to assure your Grace that my desire is not for bloodshed. But I feel the absolute necessity for the most ample indemnification for the losses sustained by the inhabitants of this Protectorate, as well as for the immense expense which has been already incurred on account of the regular troops, and in the supply of munitions of war to the thousands of allies upon whom famine and desolation have been thrust by an unscrupulous enemy; and I should, indeed, deplore the fact of the enemy escaping without question, and the necessity which would then exist for proceeding into the heart of the kingdom of Ashantee to demand redress.

Your Grace will be shocked to learn that upwards of 30 towns and villages have been pillaged and burnt, that a large proportion of the crops has been destroyed by the Ashantees, and that several hundreds of Fantees have been slain, although at the cost of (it is supposed) a larger proportion of the enemy.

Your Grace will perceive that the King of Ashantee now alleges another pretext for quarrel, and that I am guided by the same principles with respect to the liberty of an innocent subject, which your Grace was pleased to approve in the case of the chief Gainie, as Adjiman is not known to have committed any offence.

## Enclosure in No. 6.

Encl. in No. 6.

His Excellency Governor *Richard Pine*.

Sir,

Gadern-upon-Berim, 1 June 1863.

WE arrived at Swadroo about 4 o'clock yesterday afternoon, after a very hard walking, where we found a body of Ashantee spies, who conducted us safely here to Prince Owosococo, who gave us a hearty welcome.

I have already made known your Excellency's message. The Prince, according to their custom, will meet with his great chiefs to hear your Excellency's message again, and give an answer. The little I have seen of the Prince this morning, I think he will send a proper messenger with me to your Excellency.

Depend upon it I will not let them take any advantage of my time.

The number of the Ashantees is very great.

This place is about three miles from Swadroo.

We are very tired indeed.

Yours, &c.  
(signed) *John Ansah*.

## — No. 7. —

(No. 75.)

COPY of a DESPATCH from Governor *Pine* to his Grace the Duke of  
*Newcastle*, K.G.

No. 7.

Governor Pine to  
the Duke of New-  
castle, K.G.  
26 August 1863.

James Town, Accra, 26 August 1863.

(Received 13 October 1863.)

My Lord Duke,

I HAVE the honour to state that, on the 19th instant, a messenger from the King of Ashantee arrived at Cape Coast Castle with a letter from his master, containing an intimation that he the king had availed himself of the opportunity of sending down, under escort of his messenger, to me some 200 Dutch subjects who had remained in Coomassie during the Ashantee invasion, and desired to return to Elmina.

2. The King acknowledged the receipt of my letter of the 26th day of June last, and stated that he could not reply until he had held a meeting with his chiefs, and kept his Custom for those who died in the war; and he concludes by stating that Quaquar is still coming down to Cape Coast to explain the alleged treaty for the return of refugees.

3. My opinion is that the policy of the King is to gain time and obtain information of my proceedings, and that his sending down the Dutch subjects is significant of his desire to conciliate the Dutch Government.

4. On the 22d instant, I addressed to the King of Ashantee a few lines declaratory of my inability to hold further communication with him, until I receive a specific answer to my letter demanding redress for the wrongs he had committed. I had the opportunity of perusing a private letter from the Wesleyan Missionary Agent at Coomassie, in which he states that 60 Fantee prisoners and 60 jawbones had arrived; many of whom had been paraded and sacrificed in keeping custom for the Ashantee slain in the war, while others were sacrificed for the purpose of ornamenting the war drums; so that it would appear that the King of Ashantee slays our subjects while we, as he knows, take the greatest care of his. The writer of the letter expresses a hope that the day is not far distant when such barbarous custom will be rendered impossible by the British Government.

5. The general opinion is that the Ashantees will return in November next; so that I dare not relax my efforts towards military preparation, and anxiously await your Grace's instructions on this all important matter.

I have, &c.  
(signed) *Richard Pine*,  
Governor.



## — No. 8. —

EXTRACT from a DESPATCH from Governor *Pine*, to His Grace the Duke of Newcastle, K.G., dated Cape Coast, 12 October 1863. (No. 92.)

No. 8.  
Governor Pine  
to Duke of  
Newcastle, K.G.,  
12 Oct. 1863.

YOUR Grace remarks that the proposal of a regular invasion upon that nation, and a march upon their capital, is too serious to admit of your Grace's encouraging it; and that it should be adopted only in case of overruling necessity, and the report of some more competent military commander than anyone from whom there has yet been an opportunity of obtaining one on the Gold Coast.

I am not insensible to the high reward which I have already attained from the receipt of your Grace's Despatches from time to time during the period of my trial, but I trust that I may be permitted respectfully to express my disappointment at being unable, fortified by your Grace's sanction, to prosecute with vigour the only measure which I conceive can, with certainty, procure and secure peace, self-confidence, and eventual prosperity and happiness, not only to the inhabitants of the Protectorate but to the British merchants and settlers engaged in mercantile pursuits.

The natives, by the recent events, in addition to their want of confidence in the Ashantees, have also well nigh lost that in the British protection, and since the return of the troops continual inquiries have been made as to my future plans, and I have partially pacified and encouraged them by the promise that with permission, I would never leave this coast until I had gained them redress for the wrongs they have suffered; and, on their parts, they have promised, and are actually ready, to commence roads as far as the "Prah," and to supply a portion of the necessary transport.

I perceive with pleasure that your Grace is pleased to hold out some hope that upon a report of a competent military officer, my view may be re-considered; but I respectfully submit that a long residence on the coast, and an adequate knowledge of the country cannot be expected in any military commander who is actually, or likely to be here; whoever he may be, he must gain his information from others, and without vanity, I may say that I am in a position to give all information, and that I have experienced of the difficulties which have to be guarded against.

The main want in the last expedition, according to Major Cochrane, was transport and difficulty of travelling in the interior; and although I aver that those difficulties were sufficiently remedied to have enabled much more to be done (in which opinion I believe the officer now commanding will state his concurrence to the Horse Guards), I have taken and am taking preliminary steps to avoid the recurrence of the past, and contemplate sending to the Kroo Coast for a large body of the inhabitants of that nation in the event of the necessity of the troops again taking the field.

With respect to the probability of this necessity, I have the honour to report that three days since the King of Denkera, the country to which the refugee Ganie repaired, sent me duly authorised messengers, with the horrible proof which is considered essential, a fresh Ashantee jawbone, the news of a skirmish which has taken place between a few Fantees and Ashantees, during which the unfortunate owner of the jawbone was killed, and the natives are compelled to be more or less on the alert.

All I hope is, that absolute advance will not be compulsory before December next, as having had as yet no rain we must expect an unusual quantity of what is called the "latter rain" during this and the next month.

I believe that Colonel Conran would be willing and even anxious to advance with the 600 men under his command, and in such case, I should again garrison the castle and forts with a naval brigade and probably request the assistance of the Governors of Lagos, Sierra Leone, and the Gambia, constituting a force of about 900 men, sufficient, in my opinion, if judiciously handled to repel the enemy, and although I am not sanguine, I believe capable of advancing even to Ashantee.

I mark well your Grace's instructions on this subject generally, and no rashness need be feared on my part, and I fervently hope that in the event of the enemy returning, the military demonstration that we shall be enabled to make,

will compel him to terms which I can honourably accept, and an advance only would be the result of the "overruling necessity," to which your Grace alludes.

My desire and respectful advice is in favour of another regiment being sent here with all speed; because I am more and more convinced that a final blow should be struck at the power of Ashantee, where atrocities, not second to those in Dahomey, are perpetrated, differing only in the fact, that in the former they never end, while in the latter they take place with more parade, and at stated periods.

There is one topic to which I have not yet alluded, but it is a most important one.

I believe that Colonel Conran, from his peculiar and detailed professional education, is not likely to omit the provision for the comfort and well-being of his officers and soldiers and all the minor appliances of war.

— No. 9. —

No. 9.  
Governor Pine  
to Duke of  
Newcastle, K.G.  
9 Nov. 1863.

EXTRACT from a DESPATCH from Governor *Pine* to His Grace the Duke of Newcastle, K.G., dated Government House, Cape Coast, 9 November 1863. (No. 98.)

It is with regret that I have the honour to report that no change has taken place up to this time in the aspect of affairs between the King of Ashantee and myself; he remains silent, and I do not feel justified in making the slightest proposal until his silence is broken. I am, therefore, driven to the conclusion that I should be prepared for the worst, and renew my efforts for the defence of the Protectorate, and be ready at least, to resist at the River Prah, the incursions of the enemy.

— No. 10. —

No. 10.  
Governor Pine  
to Duke of  
Newcastle, K.G.  
12 Dec. 1863.

(No. 104.)

COPY of a DESPATCH from Governor *Pine* to His Grace the Duke of Newcastle, K.G.

Government House, Cape Coast, 12 December 1863.

My Lord Duke,

(Received 13 January 1864.)

I HAVE the honour to acknowledge the receipt of your Grace's Despatch, No. 99, of the 23 October last, enclosing copy of a letter from the War Office with its enclosure, with respect to instructions which had been given to Assistant Commissary General Blanc to proceed to this station for the purpose of arranging with myself, and the officer commanding the troops, an efficient system of transport if circumstances should seem to require such a course upon his arrival.

2. Her Majesty's Government having decided that the appointment of a superior officer of the Commissariat Department was expedient, I take leave to assure your Grace that I consider the selection of Mr. Blanc a singularly happy one, inasmuch as I have had frequent opportunities of noticing during the past the zeal, energy, and judgment which has marked the service of that officer on this coast.

3. Upon me has devolved the somewhat difficult duty of procuring native labour; but I am happy to say that the tact and experience of Mr. Blanc materially facilitated me, and that the Native chiefs have cheerfully responded to my call, and enabled me to place at his entire disposal the Transport Corps which he requires.

I have, &c.  
(signed) *Richard Pine*, Governor.



— No. 11. —

(No. 106.)

COPY of a DESPATCH from Governor *Pine* to His Grace the Duke of  
Newcastle, K. G.

Government House, Cape Coast, 12 December, 1863.

(Received 13 January 1864.)

My Lord Duke,

I HAVE become impressed with the idea that the silence of the King of Ashantee must be broken by some step on my part; and, finding that the suspense and distrust pervading the Protectorate as to this Chief's probable movement is creating a prejudicial and stagnating effect upon the commerce of the country, I summoned an Executive Council, at which I explained that information led me to suppose that the idea of re-invasion by the Ashantees was not abandoned, but held in abeyance, and depended, in a great measure, upon the attitude assumed by this Government. That bodies of Ashantees were known to be lurking on the borders of the Prah, whose foot-tracks and lately-extinguished fires were frequently discovered by Fantees, and that the fact of disunion in Ashantee was well authenticated, and likely to decide the King to offer terms of peace, if he could once be assured that I was determined to await redress, led me to suppose that a demonstration would have the effect of bringing about a favourable crisis.

2. Having previously consulted with Colonel Conran, I proposed that a military party should advance toward the Prah, there encamp, and form a depôt, which, in the event of invasion, would be available as a defence; but which, it was hoped, would induce the King of Ashantee to proffer such terms as I could consistently accept.

3. My proposition was unanimously adopted, and a general belief expressed, that the most desirable result—peace, would be procured without bloodshed.

4. I have now to announce to your Grace that Colonel Conran is preparing to dispatch with all speed 100 rank and file, with the usual complement of officers, to take up a position, within the next few days, at Mansue, there to await events; and I trust that the news of this encampment reaching Ashantee, I shall, ere many days, receive such a message from its King, as will enable me to open communication with him, and restore tranquillity with all its advantages to these Her Majesty's possessions.

5. Doubting not that I shall retain the high privilege of your Grace's indulgent consideration of my views and plans for the welfare of the Settlements confided to my care,

I have, &c.,  
(signed) *Richard Pine*, Governor.

— No. 12. —

(No. 115.)

COPY of a DESPATCH from Governor *Pine* to His Grace the Duke of  
Newcastle, K. G.

Government House, Cape Coast,  
9 January 1864.

Received, 11 February 1864.

My Lord Duke,

ON the 12th ultimo, in my Despatch, No. 106, I had the honour to report to your Grace the intended march of a military party to the neighbourhood of the Prah, under the circumstances which I therein detailed.

2. I have now the honour to state that this force left Cape Coast on the 30th ultimo, and arrived in perfect order at Mansue *en route* to the Prah on the 2d instant.

3. Prior to taking this step, I prepared and handed to Colonel Conran a  
385. B 4 minute

No. 11.

Governor Pine  
to Duke of  
Newcastle, K. G.  
12 Dec. 1863.

No. 12.

Governor Pine  
to Duke of  
Newcastle, K. G.  
9 January 1864.

minute of my views, copy of which I have the honour to enclose, and I summoned a meeting of the Executive Council for the purpose of making Mr. Ross, the newly arrived Colonial Secretary, acquainted with my policy.

4. Your Grace will perceive that there are contemplated advances of two detachments of troops, independent of that already in the field, for positions which are thought most desirable towards the defence of the Protectorate—(that near Swadroo Akim being occupied by the enemy during the late expedition)—and the advances will be made so soon as the full arrangements are made for transport, &c.

5. In the meantime, I have dispatched special messengers, accompanied by the officers of Colonel Conran, to direct the cutting of roads in such directions as may be supposed requisite; and I am happy to state that the Native chiefs respond with the greatest alacrity to my call upon them in this matter.

6. Assistant Commissary General Blanc has as yet every reason to be satisfied with the good faith of the chiefs, from whom I have procured transport, which is the more acceptable as the attempt to obtain Kroomen from the Kroo Coast has resulted only in the supply of somewhat less than 100 men.

7. The Executive Council having unanimously adopted my proposition, I had introduced an Ashantee captain, who was a messenger from his king during the late expedition to Chief Attah of Akim, whose instructions were to urge Attah to withdraw from the Protectorate, and aid and assist the King of Ashantee.

8. When this treasonable attempt was reported to me, I at once dispatched an officer to Attah who, in proof of his loyalty, delivered over the Ashantee messenger to my civil commandant at Accra. Major de Ruvignes, unknown to me, confided him to the care of Commodore Wilmot, and the Commodore, after a cruise of some months, delivered him over to me here.

9. The man is singularly intelligent and seems strongly impressed with all he has seen and heard during his voyage, and declared his earnest desire to be instrumental in preventing the King of Ashantee from proceeding in a course which his captain is persuaded, must prove ruinous to him.

10. Although I would gladly have availed myself of this man's services as a messenger, I did not dare to do so, but contented myself with having him well cared for and retained for future purposes.

11. I proposed to my Council that the man should be permitted to return to Ashantee, not as my messenger to his King, but with liberty to report all that he had seen and heard, and my determination to have redress from his master, although, as he well knew the British nation preferred peace and civilization in Africa to war and its horrors.

This captain is a sword bearer, and he expressed his willingness, provided he received it back from me, which he did, in presence of the Council, receiving at the same time orders to the effect that he took no message from me direct to the King, as I received none from him.

12. On Monday last, the 4th instant, this man was escorted through the British Protectorate by a military party with a view to his safety from its inhabitants, but I cannot expect to hear of his arrival for some days.

13. My earnest hope is that the news conveyed to the King of Ashantee by his captain, with respect to the intentions and demonstrations of this Government, will convince him of the expediency of his making such concessions as will enable me to proclaim peace, and stay the preparations for war which engross almost all my thoughts, and render me powerless to effect the changes and improvements which I had contemplated on my assumption of this Government; but, whatever may be the result, I trust to your Grace's approval of the measure I have adopted.

I have, &c.,  
(signed) *Rich. Pine*, Governor.



Enclosure in No. 12.

Encl. in No. 12.

## MEMORANDUM.

I WILL not now enter into a discussion as to the past history of the relation between the King of Ashantee, and the people on this coast to whom protection (in return for corresponding concession) has been guaranteed by the British Crown; it is sufficient for our own purposes to recognize this fact, that we have at this moment, through the conduct of our defensive policy, failed in that guarantee, for the territories consigned to our military guardianship have been invaded; their population in various instances driven from their homes, and the produce of their industry pillaged; and this has been accomplished hitherto without almost any risk to the invaders, for no adequate check or punishment at our hands has followed the perpetration of these crimes.

This immunity will doubtless lead to fresh aggression, and it is to prevent this I now seek to consider with you our position and the course of action necessary to pursue.

We have up to this time, stood alone on the defensive, and from that policy I do not desire to depart; yet our defence has hitherto been assumed after insults have been offered, and outrages inflicted on the people under our charge; to guard against the one, and to resent without delay the other, is the defence in my opinion most desirable.

By the one, moving from the coast line itself, with the supplies from its resources only, an advance becomes tedious and uncertain; by the other, positions in the heart of the territories, and on their threatened frontiers with their supplies attached, offer the probability of rapid movement with well concerted and decided action following.

A glance at these positions shows that, from Denkera, on the west, to the Volta, on the east, is embraced the field, over which operations may be forced on us.

The disciplined force at disposal is now occupying points the very furthest removed from this threatened line whilst the enemy can select with safety his line of advance.

To narrow this selection, positions far in advance should be taken up—of those in front of the threatened line—Fossawar on the left—Swadroo in the centre—and Kibbi on the right, bearing towards Kpong, seem to offer the greatest facilities for immediate occupation.

To Fossawar, a line of road, as far as Mansue, is already cleared, and paths more or less passable exist to and between the others. Should the justness of this proposal be concurred with, I would take immediate measures whilst the transport and camp arrangements are being completed, to call in the co-operation of the Native kings and chiefs to clear the paths between Mansue to Fossawar, and thence on to the Prah, Cape Coast Castle and Winnebah to Swadroo, Accra to Kibbi, Kpong, Akim, and the lateral communications between the line from Fossawar to Kpong.

Conscious of the difficulties in completing transport arrangements, I dare venture to hope that by the third week in January, an advance can be made so as to occupy the positions named, or others, having the same object in view, by the end of that month. Apart from the proposed disposition of the force under Colonel Conran, which he will be good enough to receive only as a suggestion on my part, I would intimate that he will receive the co-operation of Native allies at Swadroo Fossawar.

Akim, who will in all things regard him as their chief, who already indeed know he is so, and to whom I will repeat that all authority over them and their protected territory will devolve upon him during the military occupation of the threatened portion.

*Richard Pine, Governor.*

## — No. 13. —

(No. 22.)

COPY of a DESPATCH from Governor *Pine* to His Grace the Duke of Newcastle, K.G.

Government House, Cape Coast, 12 February 1864.

(Received 12 March 1864).

My Lord Duke,

I HAVE the honour to acknowledge the receipt of your Grace's Despatch, No. 115, of the 21st December last, enclosing extract of a letter which was addressed by your Grace's desire to the War Office, on the subject of my application for an increased force, to enable me to carry out the measures which I recommended in my Despatch, No. 92, of the 12th October last, and I cannot but tender my grateful thanks for the continued proofs of your Grace's confidence in arming me with such extensive powers and so graciously accorded.

2. Although, as I advised your Grace, I had taken upon myself a vast responsibility in directing the advance of the troops, no enemy having crossed

No. 13.

Governor Pine to  
Duke of Newcastle,  
K.G.

12 Feb. 1864.

the frontier, I am naturally strengthened and confirmed in the pursuance of a policy which your Grace is pleased so fully to sanction and approve.

3. Between the 26th and 30th ultimo, the remainder of the military force marched, *en route*, to the River Prah, and I have the satisfaction of informing your Grace that on the 8th instant, Colonel Conran advises me that the whole force safely encamped on the banks of that river in excellent spirits and in a satisfactory condition.

4. The plan arranged between the Colonel and myself, is that so soon as he shall have made his necessary preparations for crossing the Prah, having due regard to the protection as far as possible of the frontier line, through which practicable roads have been and are being cleared with a view to concentration, he shall report to me in order that I may send up to his assistance the several tribes of the allied forces who are only too anxious to join the expedition.

My instructions to Colonel Conran are in strict accordance with those which your Grace has been pleased to transmit to me, and if a favourable opportunity should occur to proceed and compel redress in the enemy's territory, it will be seized. Before, however, such step be taken, it is to be hoped that the additional six or more companies of troops which I am authorised to expect will have arrived, but as the season is fast advancing, and from all appearances the rains will be unusually early, it may be expedient in conjunction with the allies to advance without waiting for reinforcements.

5. Up to this hour I have no tidings from the enemy, but, I need scarcely say that my onward movements will be subject to any communication which I may receive from the enemy, and it is my intention to proceed to the camp so that there may be no delay in coming to a decision in any case of emergency or the slightest change of circumstances, for although I have every confidence in the energy and discretion of Colonel Conran, he is most anxious that I should join him where he considers my presence with the native allies essential.

6. It will be gratifying to your Grace to learn that the native Kings and Chiefs with their followers are most attentive and obedient to my wishes, and courteous and kind in their reception of the Colonel, his officers, and soldiers, who writes me, "I cannot understand why the country and its people should have got such a bad name, as I never met with civilier creatures anywhere."

7. It is, and will be, my constant study, my Lord Duke, to carry out the policy which your Grace has been pleased to enjoin, and I yet ardently hope that with the discretionary power entrusted to me and the increased strength of my position, I shall not be compelled to accept any but advantageous terms of peace.

I have, &c.  
(signed) *Rich. Pine*, Governor.

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— No. 14. —

(No. 32.)

No. 14.  
Governor Pine to  
Duke of Newcastle,  
K. G.  
11 March 1864.

COPY of a DESPATCH from Governor *Pine* to His Grace the Duke of  
*Newcastle*, K. G.

Government House, Cape Coast, 11 March 1864.  
(Received, 22 April 1864.)

My Lord Duke,

SINCE the date of my Despatch, No. 22, with respect to Ashantee, affairs have remained almost *in statu quo*.

2. I have the honour to report that Colonel Conran arrived from the Prah on the 27th ultimo, with the immediate object of receiving the reinforcements from the West Indies which he was led to expect on the 7th instant.

3. The Colonel brings good tidings from the camp. The officers and men in good spirits and fair health, busily employed in erecting stockades, completing huts, and constructing a bridge.

4. Up



4. Up to this hour, I regret to state that the transport "Tamar," with her precious freight, has not made her appearance; and unless she arrives on or before the 14th, it is more than probable that I shall accompany Colonel Conran to the camp, although that officer does not think it prudent, or that he would be justified, in crossing the Prah, before he is joined by the reinforcements supposed to be so near at hand.

5. It is unfortunate indeed, that there should be any delay at such a crisis, as the rains have actually commenced, and caused within the last few days some sickness in camp; yet I dare not urge an onward movement, until the last hope be exhausted of securing an addition to our force, upon which may perhaps depend the success of the expedition.

6. It was not my intention to have moved until the Colonel was on the point of crossing the Prah, but the native allies usually await their Governor's departure and accompany him; and such being the case, I feel it my duty to throw aside personal considerations, and leave no excuse for the tardy or lukewarm, if such there be.

7. About the 2d instant, a runaway Ashantee, took refuge in the kingdom of Denkera, the chief of which is one of the most powerful and influential in the Protectorate, and a determined enemy of the King of Ashantee. The runaway was sent to me by the king on the 8th instant, and is an intelligent and apparently truthful man.

He states, without the slightest hesitation, that his master is a captain in the division of the Ashantee army commanded by Lamaquantah. That some 30 days since his master was sent for by the King of Ashantee, and that he, as personal attendant, accompanied him. That a few days after their arrival in Coomassie, his master and his master's son were decapitated, under the pretext that the latter had intrigued with the wife of an influential Ashantee, and that he, the runaway, knowing that the same fate awaited him as attached to the persons of his late masters, escaped and called upon the scouts of the King of Denkera to deliver him up to that monarch. He further states that the encampment of the troops at the Prah is known at Coomassie, but that no one there can or does believe that the white men will have the hardihood to cross the Prah; that preparations are being made to meet the white men, but not before the next dry season; and that whether the troops had or had not proceeded to the Prah, it was and is the intention of the Ashantees to again come down and ravage the Protectorate, in consequence of their determination to avenge the non-delivery of the chief Ganie, whose person they failed to obtain last year. The runaway further states, that in the event of the troops marching towards Coomassie, they will probably be met at some 40 miles distant from that city, by the king in person, with his army. He believes that we have better arms and ammunition, but that the Ashantees are braver than our people, for that when ordered to fight, they (the Ashantees) must do so or be killed, and that therefore no man thinks it worth while to go back; and if he did, another would immediately take his place, for they fight about seven deep.

He concluded, by saying that when we enter the Ashantee territory, numbers of his countrymen will desert and join our camp, a statement which is believed very generally within the Protectorate; and when asked whether he would fight against his countrymen, he said he would carry a musket, and show us the Ashantee paths.

8. The Ashantee, preferring to return to the King of Denkera, with his messengers, I thought it right to permit him to do so, as the king guaranteed his safety, and would gladly accept him as a guide through the secret paths of the country.

9. I took care that Colonel Conran should have the opportunity of interrogating the runaway, in whose narrative he was naturally interested; as indeed he is in all matters relating to the undertaking in which he is engaged.

10. I am happy to be able to inform your Grace, that the Colonel continues to display the same energy, industry, determination and zeal which I have already had the honour to bring under your Grace's notice;—qualifications

which, coupled with the blessings of health and capability of endurance, offer a guarantee for the successful prosecution of the difficult task which it has been my duty to impose upon him.

11. I have taken the liberty of enclosing a rough but tolerably correct "guide to Coomassie," prepared by a native trader of some position in the Colony, who has often visited the King of Ashantee.

I have, &c.  
(signed) *Richard Pine,*  
Governor.

— No. 15. —

(No. 38.)

No. 15.  
Governor Pine  
to Duke of  
Newcastle, K.G.  
5 April 1864.

COPY of a DESPATCH from Governor *Pine* to His Grace the Duke of  
*Newcastle, K.G.*

Government House, Cape Coast, 5 April 1864.  
(Received 11 May 1864.)

My Lord Duke,

I HAVE the honour of enclosing the copies of a correspondence which has taken place between Lieutenant Colonel Conran and myself, in reference to the suspension of operations against the King of Ashantee during the present rainy season.

2. Your Grace will perceive by my Despatch, No. 32, of the 11th of last month, that I had anticipated this state of things, not because the Local Government was unprepared in any way to bring the misunderstanding with the King to an end, but because Colonel Conran did not deem the crossing of the Prah to be a judicious act, while he was in official possession of the fact, that the "Tamar" transport had already gone to the West Indies for reinforcements. Up to this moment, however, the "Tamar" has not arrived.

3. I regret that the policy of the Local Government should have been frustrated by such an accident, and deferred to September or October next; but, as all arrangements have now been made, either in regard to the transport of supplies to the troops, or in regard to the maintenance of the strong military post which has been established upon the banks of the Prah, I do not think that much trouble or difficulty can arise, at the close of the year, in bringing the enemy to a sense of the wrong which he has inflicted on these Settlements.

I have, &c.  
(signed) *Richd. Pine,*  
Governor.

Encl. in No. 15.

Enclosure in No. 15.

Lieutenant Colonel *Conran* to Governor *Pine*.

Sir,

Cape Coast Castle, 3 April 1864.

UNDER pressing circumstances, I trust your Excellency will excuse my troubling you to-day (Sunday) with the perusal of the enclosed medical and other reports just received from the camp at Prahsue, respecting the state of the health of the troops there stationed (including officers and men), which I must confess appears to be very alarming.

Owing to the rainy season having regularly set in a fortnight ago, and the non-arrival of the reinforcement from the West Indies, it was in contemplation by your Excellency and myself that the camps were to be reduced in numbers until the weather cleared up and the rivers are dry, enabling us to carry out our original intention of invading the Ashantee territory, for which I was in every other respect well prepared, having at these camps 70 days' meat for 1,200 men, and 42 days' biscuit in store for a similar number, with two 12-pounder howitzers, 10 rocket tubes, and ammunition in proportion, besides



200 rounds of ball cartridge per man, as well as various other requirements, all of which are carefully placed under protection from accident and weather inside the stockades in country-made houses, answering the purpose of stores and magazines, over which the necessary guards are placed.

I propose, therefore, that in the event of your Excellency's agreeing with me in the necessity of recalling three companies from Prah Camp to this station; two companies remain to garrison that place during the rainy season, and that the company now at Swadroo remain there also, for similar reasons, as the men's health does not seem to suffer in the same manner as it does at the Prah.

Those positions cannot be abandoned, in my opinion, upon any account, it being impossible to bring back to the coast the stores and provisions mentioned during the wet season, and, moreover, were the troops to be taken away altogether, 10 days would not have elapsed before the Ashantees would be in the heart of our Protectorate, repeating last year's cruelty everywhere, which they have not dared to attempt this year, owing to their main roads being shut out by the occupation of the positions alluded to, although such had been (as your Excellency is aware) their intention.

I should also propose, with the view of curtailing as much public expenses as possible in connexion with this war, that immediately on the arrival of the three companies from the Prah at this station, the corps of native levies be disbanded, and that their arms, accoutrements, ammunition, and clothing be given into the military stores.

I shall also direct Assistant Commissary General Blanc to reduce his corps of labourers to the lowest possible strength consistent with safety, he being of opinion that it can readily be increased again when required, in consequence of the encouragement that has been infused amongst the natives from the regular manner in which they have been paid and dealt with by that energetic officer, who intends keeping the camps in provisions during the rainy season up to what I have already stated, it being attended with too much risk of life and health to the officers and men to proceed any further with our operations, in consequence of the unforeseen circumstances set forth, over which we have no control.

I have, &c.

(signed) *Edward Conran,*

Lieutenant Colonel Commanding 4th West India Regiment  
and the Troops.

(A true copy.)

*W. A. Ross,* Colonial Secretary.

Governor *Pine* to Lieutenant Colonel *Conran*.

Sir,

Government House, Cape Coast, 4 April 1864.

I HAD last night the honour to receive your letter of yesterday's date, enclosing reports which you had just received respecting the health of your officers and men stationed at Prabsue and Swadroo.

I have already perused and carefully considered your observations, coupled with the medical reports; and as some important points arise out of them, I content myself at the moment with expressing my perfect concurrence with your views on the subject of the immediate (and pressing) necessity of withdrawing as large a portion of your force, for the purpose of recruiting it, as may be consistent with the safety of the amount of property to which you allude as stored in the camps.

As I appreciate your anxiety by this post to relieve especially the sick and suffering from the hardships they have undergone, I unhesitatingly approve of your doing so; but I confess that I am in some doubt with respect to the practicability of keeping up the detachments which you purpose remaining as a guard during the coming months, and upon this and other most important subjects connected with subsequent movements, I suggest that we meet as soon as possible in consultation, in preference to continuing an official correspondence.

I have, &c.

(signed) *Rich. Pine,* Governor.

(True copy.)

*W. A. Ross,* Colonial Secretary.

— No. 16. —

No. 16.  
Lieut.-Governor  
Hackett to the  
Duke of Newcastle,  
K. G.  
7 April 1864.

(No. 40.)

COPY of a DESPATCH from Lieutenant Governor *Hackett* to His Grace the Duke of *Newcastle*, K. G.

Government House, Cape Coast, 7 April 1864.

(Received 11 May 1864.)

My Lord Duke,

I HAVE the honour to report to your Grace that Governor Pine left Cape Coast on the 5th instant, on board Her Majesty's Ship "Rattlesnake," Commodore Wilmot, for the purpose of taking a cruise for the benefit of his health.

2. Governor Pine's health having been much impaired by the events of the past year, it became necessary that he should leave his government for a short period in order that he might, in a complete change of scene, recruit his strength, well-nigh exhausted by the anxieties of his position; and as all active operations against the Ashantees have been temporarily suspended by the advent of the rainy season, he conceived that this was the most opportune moment he could select for seeking a short respite from his labours.

3. I have also the honour to report to your Grace that, in accordance with the terms of the Royal Warrant of the 11th day of September 1863, appointing me Lieutenant Governor of these Settlements, I have assumed the Government during Governor Pine's absence,

I have, &c.

(signed) *William Hackett*,  
Lieutenant Governor.

— No. 17. —

No. 17.  
Lieut.-Governor  
Hackett to the  
Duke of Newcastle,  
K. G.  
12 April 1864.

(No. 44.)

COPY of a DESPATCH from Lieutenant-Governor *Hackett* to his Grace the Duke of *Newcastle*, K. G.

Government House, Cape Coast, 12 April 1864.

(Received, 11 May 1864.)

My Lord Duke,

I HAVE the honour to report for your Grace's information, that on the 9th instant Her Majesty's troopship, "Tamar," arrived here with the following troops :—

|                         |       | Field Officer. | Captains. | Subalterns. | Serjeants. | Drummers. | Rank and File. |
|-------------------------|-------|----------------|-----------|-------------|------------|-----------|----------------|
| 1st West India Regiment | -     | 1              | 2         | 8           | 14         | 6         | 276            |
| 2d " "                  | - - - |                | 1         | 3           | 2          | - -       | 4              |
| 3d " "                  | - - - |                |           | - -         | - -        | - -       | 6              |
| 4th " "                 | - - - |                | 3         | 8           | 12         | 8         | 319            |
| 5th " "                 | - - - |                | 1         | —           | —          | —         | —              |
| TOTAL - - -             |       | 1              | 7         | 19          | 28         | 14        | 605            |

2. It had already been arranged between Governor Pine and the Lieutenant Colonel Commanding, in consequence of the non-arrival of the reinforcements, and the commencement of the rainy season, that active operations against the Ashantees should be suspended until the dry season in October next, and it has therefore become necessary to detain the troops.

3. I have only to add, that up to this moment I have no information as to the movements of the King of Ashantee.

I have, &c.

(signed) *William Hackett*,  
Lieutenant Governor.



## Despatches from the Secretary of State.

## — No. 1. —

EXTRACT from a DESPATCH from His Grace the Duke of *Newcastle*, K.G.,  
to Governor *Pine*, dated Downing-street, 4 March 1863, No. 43.

No. 1.  
The Duke of  
Newcastle, K.G., to  
Governor Pine.  
4 March 1863.

I ENTIRELY approve of your having refused to surrender to the King of Ashantee the old man and boy who had been brought into British territory. No person once brought within the limits of a British possession can be then seized, and handed over to a Foreign Power, except under sanction of the law of the Colony. And no law should authorise such delivery to the authorities of a country in which justice is not fairly administered, except in the case of heinous crimes clearly proved.

What shall be done with respect to persons taking refuge in the protected territories is a more difficult question. But one thing is clear, that no British authority should be involved in their surrender, except in cases where clear justice requires it. It may be unreasonable, in some cases, to prevent protected chiefs from taking that course which, though not such as a British authority could approve, may yet be necessary for their own safety. But in this case it should be clear that the act is theirs, and not that of the British Government; and care should be especially taken that in no such cases should the alleged fugitive or criminal be brought within the forts either for examination or for any other purpose. I should wish, however, to be informed what is the actual practice with respect to persons taking refuge in the protected territories and claiming the benefit of British influence.

## — No. 2. —

(No. 60.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K. G., to  
Governor *Pine*.

No. 2.  
Duke of  
Newcastle, K.G.,  
to Governor Pine.  
18 May 1863.

Sir,

Downing-street, 18 May 1863.

I HAVE received your Despatch, No. 33, of the 15th ultimo, reporting the threatening movements of the Ashantees, and the steps which you have taken to resist an invasion, and I have much pleasure in noticing the calmness and prudence as well as the energy which you have shown in these trying circumstances. I have also perceived with satisfaction the circumstance to which you draw my attention, of the spirited and disinterested offer of Staff Surgeon O'Callaghan to go up the country if you had wished to employ him in that manner.

I have, &c.  
(signed) *Newcastle*.

## — No. 3. —

EXTRACT from a DESPATCH from His Grace the Duke of *Newcastle*, K. G.,  
to Governor *Pine*; dated Downing-street, 22 August 1863, No. 80.

No. 3.  
Duke of  
Newcastle, K.G.,  
to Governor Pine.  
22 Aug. 1863.

You allude to your former Despatch, No. 40, of the 12th of May, in which you submitted a plan of organising a very large force, to consist of 2,000 disciplined soldiers, followed by upwards of 50,000 natives, and of making with that army a regular invasion of the territory of Ashantee. I am not insensible of the encouragement which the unfortunate inaction of the troops and Native allies under Major Cochrane's command may afford to fresh aggressions by the Ashantees; but the proposal of a regular invasion to be made upon that nation,

and of a march upon their capital is too serious to admit of my encouraging it. I will merely say at present that I should feel very averse to its adoption, except in case of overruling necessity, and also after the report of some more competent military commander than anyone from whom there has yet been an opportunity of obtaining an opinion at the Gold Coast.

## — No. 4. —

No. 4.  
Duke of  
Newcastle, K.G.,  
to Governor Pine.  
22 Aug. 1863.

EXTRACT from a DESPATCH from His Grace the Duke of *Newcastle*, K. G., to Governor *Pine*; dated Downing-street, 2 August 1863, No. 82.

You report the withdrawal of the enemy without molestation, after having inflicted destructive ravages on the territory under British protection.

It is much to be feared that this impunity may prove an encouragement to fresh aggressions.

In forwarding your Despatch to the Secretary of State for War, I have drawn the serious attention of Earl De Grey to its contents, and have urged the importance of endeavouring to place the military command of the Gold Coast in the hands of a competent officer, whose efficiency can be relied upon in the event of further hostilities.

Your own conduct in this trying emergency appears to have been all that could be desired. You betrayed no undue wish to interpose in military matters, but when accounts reached you from all sides of an inactivity which was injurious to the public interest, you hastened to the scene of action, and there endeavoured to produce more resolution, and provided, by your own influence, some of the material aids from the natives which had been represented to be wanting, the whole being done at great risk to yourself from the attendant exposure and anxiety. For such efforts, made in such a spirit, it is my pleasing duty to convey to you my cordial approbation.

## — No. 5. —

No. 5.  
Sir F. Rogers to  
Governor Pine.  
21 Dec. 1863.

(No. 115.)

COPY of a DESPATCH from Sir *F. Rogers*, Bart., to Governor *Pine*.

Sir,

Downing-street, 21 December 1863.

WITH reference to your Despatch, No. 92, of the 12th October, in which you state your views in regard to the expediency of organising a force to attack the Ashantees, even supposing that the latter should not take the initiative, which you consider the more probable, and suggesting that another regiment should be sent to the Gold Coast, I transmit for your information an extract of a letter which, by my desire, has been addressed to the War Office, explaining the grounds on which I have recommended that your application should be complied with, and I have to request that you will guide yourself by the principles therein stated.

In case the expected Ashantee invasion takes place, my hope is that you and the officer in command will be able to inflict so severe a punishment upon the invaders as will remove the disastrous impressions caused by their impunity when they lately ravaged the protected territory, and will deter them from any future aggression.

But should no opportunity be found of striking such a blow without entering the Ashantee territory, you are not to regard yourself as absolutely prohibited from doing so under any circumstances, and from advancing, as far as the utmost consideration for the safety of the troops would permit, for the purpose of obtaining reparation and securing the peace of the Protectorate.

I have, &c.

(signed) *Frederic Rogers*,

In the absence and by authority of the  
Secretary of State.



## Enclosure in No. 5.

Encl. in No. 5.

EXTRACT from a Letter from the Colonial Office to the War Office,  
dated 18 December 1863.

HIS GRACE would be understood to continue to maintain, as he has always maintained, that the principle of all military proceedings on the West Coast of Africa should be that of defence, and not of aggression. It is upon this principle alone that the Governors are authorised to make war, and no invasion of neighbouring territories can be sanctioned, unless it can be shown that it is really a defensive measure—safer, less costly in blood and money, and more likely to be decisive in its results than waiting for an attack which is being prepared, and which no peaceful measure can ward off without loss of that dignity and position which are essential to our security. It cannot be denied that, in dealing with Savage Nations such may be the case; and although his Grace is by no means prepared to affirm with certainty that such is the case on the Gold Coast at the present moment, yet he regards it as quite possible either that it is so, or that it may shortly become so, owing to the loss of military reputation consequent on recent occurrences, and the spirit of presumption and audacity which has been generated amongst the Ashantees. His Grace feels, therefore, that he cannot refuse to Governor Pine a conditional authority to strike a blow within the Ashantee territory, if such a blow can be struck without making any other or further advance than in his own opinion, and that of the Officer in Command, may be consistent with the utmost consideration for the safety of the troops, and provided, also, he can satisfy himself that the result will be to remove the disastrous impressions, caused by the impunity of the Ashantees when they last ravaged the protected territory, and to obtain reparation and secure the peace of the Protectorate. His Grace will impress upon the Governor that these results, and not the gratification of revenge on the part of the protected tribes, or of the love of glory of the Black troops, would constitute the only justification of an aggressive movement.

His Grace observes further that, even if, leaving the initiative of aggression to the Ashantees, Governor Pine meditates the necessity of calling on the other African Governors for aid in troops, which those Governors can ill spare, since their removal might lead to native disturbances within their Governments and the embodiment of militia corps, the cost of which would fall upon the British Treasury.

## — No. 6. —

(No. 148.)

COPY of a DESPATCH from the Right Honourable *Edward Cardwell*, M. P.,  
to Lieutenant Governor *Hackett*.

Sir,

Downing-street, 23 May 1864.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 40, of the 7th ult., reporting Governor Pine's departure and your own assumption of the Government during his absence.

I have, &amp;c.

(signed) *Edward Cardwell*.

No. 6.  
Right Honourable  
*Edward Cardwell*,  
M. P., to Lieut.-  
Governor *Hackett*,  
23 May 1864.

## — No. 7. —

(No. 151.)

COPY of a DESPATCH from the Right Honourable *Edward Cardwell*, M. P.,  
to the Officer Administering the Government of the Gold Coast.

Sir,

Downing-street, 23 May 1864.

I HAVE received with great concern your Despatch of 7th April, informing me that Governor Pine had been compelled to leave Cape Coast for the purpose of taking a cruise for the restoration of his health: I earnestly hope that he may return, restored in health and vigour, to the duties of his office, rendered by recent occurrences so full of unusual anxiety and labour. I much fear, though I have not received from Governor Pine, or from you, any official information on the subject in detail, that the effect of the rainy season upon the health of the officers and men has been already very serious.

In his letter to me of 5th April, Governor Pine enclosed a correspondence  
385. D between

No. 7.  
Right Hon. *Ed-  
ward Cardwell*,  
M. P., to the Officer  
Administering the  
Government of the  
Gold Coast,  
23 May 1864.

between himself and Lieutenant Colonel Conran, from which it appeared that Lieutenant Colonel Conran had found it absolutely necessary to send away from Prah Camp and Swadroo all the troops, except three companies, whom he proposed to retain to guard the accumulated stores and ammunition; while Governor Pine doubted the practicability of keeping up the detachments which Lieutenant Colonel Conran purposed should remain as a guard during the coming months, and suggested that he should meet Lieutenant Colonel Conran in consultation on the subject. This proposal does not appear to have taken effect, in consequence of the necessity which arose for Governor Pine to leave the Colony for the restoration of his health. Under these circumstances, I feel it to be my duty to instruct you to take measures, in concert with the Officer in Command of the Troops, for handing over to the Native Chiefs, whose interest and duty it is to defend the frontier of their own territory, the stockades which have been erected to guard the passes of the River Prah; to remove to the coast such portion of the stores as, considering the difficulty of transport, it may be desirable to remove; to give to the friendly chiefs such stores as it is impossible or not worth while to remove, or such as may be especially useful to them in their defensive measures; and to bring down the whole of the Queen's Forces, as rapidly as possible, to the healthier quarters on the coast.

Instructions will be sent by this mail from the Secretary of State for War to the Officer in Command of the Forces, to the same effect; and liberal powers will be given to that Officer for the disposal of stores belonging to the Department of the Secretary of State for War, in order that you may be able to soften any disappointment which may be felt by the Chiefs at this necessary withdrawal of the Queen's Troops.

You will, above all things, take especial care, in concert with the Officer in Command, that no stores of any kind are left in such an exposed state as to be likely to fall into the hands of the Ashantees, and so afford them a cause of triumph. This remark especially applies to guns of all kinds, and other military stores.

It appears that the number of troops upon the coast will now be more than double the number for which the buildings will afford accommodation, and that the removal of a considerable number will be necessary for their own health and comfort, and for the health and comfort of those who are left behind. Immediate arrangements, therefore, are intended to be made by the War Department for reducing the force at your disposal to its normal strength, and removing the remainder from the coast.

It may be hoped that the display of force made during the last few months will not have been without its due effect, both on the Ashantee enemy and on the friendly Native Chiefs, and that the cessation of the rains may not bring with it the necessity for a renewal of warlike preparations on your part to defend yourself or the friendly Native population from wanton attack. Under the now altered circumstances of the case I do not propose to renew the conditional permission given by the Duke of Newcastle to Governor Pine, to strike a blow within the territory of Ashantee.

To take immediate steps for securing, as far as possible, the health and comfort of the officers and men is now the first and paramount duty for the Government.

You will keep me fully informed of everything which tends to show the disposition of the Ashantees, and as no military operations on our part will now be possible for several months, I content myself, at present, with instructing you to use your best efforts to avert the renewal of the war, to induce the Native Chiefs to rely on their own power and energy to a much greater extent than appears to have been their habit of late, and to avoid the necessity of again bringing to the Settlement a number of the Queen's Troops too great to be properly accommodated on the Coast, with the certainty that all who go inland will be exposed to the most serious risk of health and life.

I have, &c.

(signed) *Edward Cardwell.*



RETURN showing, with reference to the WAR with the King of *Ashantee*, the Number of OFFICERS and MEN who have landed at *Cape Coast Castle*, and the Dates of their Disembarkation.

| CORPS.                                                     | Number of Officers and Men who have landed at Cape Coast Castle since January 1863. |       |                              |                                        |
|------------------------------------------------------------|-------------------------------------------------------------------------------------|-------|------------------------------|----------------------------------------|
|                                                            | Officers.                                                                           | Men.  | From what Stations.          | Dates of Landing at Cape Coast Castle. |
| 3d West India Regiment, detachment.                        | 3                                                                                   | 80    | Sierra Leone - -             | 6 March 1863.                          |
| 2d ditto - - ditto - -                                     | 1                                                                                   | 75    | Lagos - - -                  | 21 March 1863.                         |
| 3d ditto - - ditto - -                                     | 5                                                                                   | 128   | Sierra Leone and the Gambia. | 12 May 1863.                           |
| 2d ditto - - ditto - -                                     | 1                                                                                   | 63    |                              |                                        |
| 4th West India Regiment, Head Quarters and four Companies. | 19                                                                                  | 416   | West Indies - -              | 14 August 1863.                        |
| 1st West India Regiment, three Companies.                  | 11                                                                                  | 300   | Jamaica and Honduras         | 9 April 1864.                          |
| 4th West India Regiment, Left Wing, four Companies.        | 11                                                                                  | 340   |                              |                                        |
| TOTAL - - -                                                | 51                                                                                  | 1,402 |                              |                                        |

Adjutant General's Office, Horse Guards,  
1 June 1864.

A. Horsford,  
Deputy Adjutant General.

*Note*.—As a rule the Officers are Europeans, and the Non-Commissioned Officers and Men negroes.

No return of the Expense incurred can be given, as the Accounts from the Station have not yet been received.

ASHANTEE WAR.

COPIES OF EXTRACTS OF DESPATCHES FROM THE Governor of the *Gold Coast*, explaining the cause of the WAR with the King of *Aslantee*; OF DESPATCHES FROM THE SECRETARY OF STATE TO THE Governor of the *Gold Coast* directing him to prosecute the War; &c.

(*Colonel Dunne.*)

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*Ordered, by The House of Commons, to be Printed,  
14 June 1864.*

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385.

*Under 4 oz*



# CAPE COAST.

RETURN to an Address of the Honourable The House of Commons,  
dated 15 June 1864;—for,

- “ STATEMENTS of the Number of OFFICERS and MEN in the *Cape Coast* Command on the 1st day of July 1863 :”  
 “ Of the Number of OFFICERS and MEN Landed from the ‘ *Megara*,’ at *Cape Coast*, in August 1863 :”  
 “ RETURN of the Number of OFFICERS and MEN Landed from the ‘ *Tamar*,’ at *Cape Coast*, on the 9th day of April 1864 :”  
 “ NOMINAL LIST of the Thirteen OFFICERS who have DIED up to the last Returns :”  
 “ NOMINAL LIST of the Twenty-two OFFICERS who have been INVALIDED up to the last Returns :”  
 “ NOMINAL LIST of OFFICERS remaining SICK at *Cape Coast Castle* :”  
 “ LIST of the Number of MEN DEAD since the 1st day of July last :”  
 “ LIST of the Number of MEN INVALIDED since the 1st day of July last :”  
 “ LIST of the Number of MEN in HOSPITAL on the 1st day of May 1864 :”  
 “ And, STATEMENT of the remaining EFFECTIVE FORCE at *Cape Coast Castle* on the 1st day of May 1864.”

War Office, }  
16 June 1864. }

HARTINGTON.

## No. 1.

STATEMENT of the NUMBER of OFFICERS and MEN in the *Cape Coast* Command on the 1st July 1863.

|          |   |   |   |   |   |   |   |   |   |   |     |
|----------|---|---|---|---|---|---|---|---|---|---|-----|
| Officers | - | - | - | - | - | - | - | - | - | - | 18  |
| Men      | - | - | - | - | - | - | - | - | - | - | 686 |

Adjutant General's Office, Horse Guards,  
14 June 1864.

A. Horsford,  
Secretary.

## No. 2.

RETURN of the Number of OFFICERS and MEN Landed from the “ *Megara*,” at *Cape Coast*, on 14 August 1863.

|          |   |   |   |   |   |   |   |   |   |     |
|----------|---|---|---|---|---|---|---|---|---|-----|
| Officers | - | - | - | - | - | - | - | - | - | 19  |
| Men      | - | - | - | - | - | - | - | - | - | 416 |

Adjutant General's Office, Horse Guards,  
14 June 1864.

A. Horsford,  
Secretary.

## No. 3.

RETURN of the Number of OFFICERS and MEN Landed from the “ *Tamar*,” at *Cape Coast*, on the 9th April 1864.

| CORPS.                    | OFFICERS. | MEN. |
|---------------------------|-----------|------|
| 1st West India Regiment - | 11        | 297  |
| 2d - - ditto - - -        | 4         | 6    |
| 4th - - ditto - - -       | 11        | 340  |
| 5th - - ditto - - -       | 1         | —    |
| TOTAL - - -               | 27        | 643  |

Adjutant General's Office, Horse Guards,  
14 June 1864.

A. Horsford,  
Secretary.

## No. 4.

## NOMINAL RETURN of 13 OFFICERS who have DIED.

| RANK AND NAME.                      | REGIMENT.                   |
|-------------------------------------|-----------------------------|
| Ensign Keene - - - - -              | 2d West India Regiment.     |
| Lieutenant Low - - - - -            | 3d     "     "              |
| Captain Herrick - - - - -           | 4th     "     "             |
| Captain Gabb - - - - -              | 4th     "     "             |
| Captain Hay - - - - -               | 4th     "     "             |
| Lieutenant Barry - - - - -          | 4th     "     "             |
| Ensign Morales - - - - -            | 4th     "     "             |
| Lieutenant Sharp - - - - -          | 5th     "     "             |
| Lieutenant Thomson - - - - -        | Gold Coast Artillery Corps. |
| Lieutenant Crosse - - - - -         | "     "     "     "         |
| Ensign Brien - - - - -              | "     "     "     "         |
| Staff Assistant Surgeon Rutherford. |                             |
| Staff Assistant Surgeon Hooper.     |                             |

Horse Guards, 14 June 1864.

A. Horsford,  
Secretary.

## No. 5.

## NOMINAL LIST of 22 OFFICERS INVALIDED.

| RANK AND NAME.                    | REGIMENT.                   |
|-----------------------------------|-----------------------------|
| Captain Knox - - - - -            | 2d West India Regiment.     |
| Captain Williams - - - - -        | 2d     "     "              |
| Lieutenant Lynch - - - - -        | 2d     "     "              |
| Ensign Duthie - - - - -           | 2d     "     "              |
| Captain M'Donough - - - - -       | 3d     "     "              |
| Major Ivey - - - - -              | 4th     "     "             |
| Captain Barnard - - - - -         | 4th     "     "             |
| Captain Mackie - - - - -          | 4th     "     "             |
| Lieutenant Coward - - - - -       | 4th     "     "             |
| Lieutenant Crozier - - - - -      | 4th     "     "             |
| Lieutenant Brock - - - - -        | 4th     "     "             |
| Lieutenant Blacklin - - - - -     | 4th     "     "             |
| Lieutenant Bulger - - - - -       | 4th     "     "             |
| Lieutenant Lees - - - - -         | 4th     "     "             |
| Lieutenant Mansergh - - - - -     | 4th     "     "             |
| Surgeon Skeen - - - - -           | 4th     "     "             |
| Ensign Barrow - - - - -           | 5th     "     "             |
| Lieutenant Stewart - - - - -      | Gold Coast Artillery Corps. |
| Staff Assistant Surgeon Sandison. |                             |
| Staff Assistant Surgeon Crow.     |                             |
| Staff Assistant Surgeon Oughton.  |                             |
| Staff Assistant Surgeon Lewis.    |                             |

Adjutant General's Office, Horse Guards,  
14 June 1864.A. Horsford,  
Secretary.

## No. 6.

## NOMINAL LIST of OFFICERS remaining SICK at Cape Coast Castle.

THIS is not at present known at the Adjutant General's Office, but it is inferred that they are included in Return No. 5, showing the Officers invalided.

Adjutant General's Office, Horse Guards,  
14 June 1864.A. Horsford,  
Secretary.



No. 7.

LIST of the Number of MEN DEAD since the 1st July 1863.

Station :—Gold Coast.

Number of deaths - - - - - 45

Adjutant General's Office, Horse Guards,  
14 June 1864.

*A. Horsford,*  
Secretary.

No. 8.

LIST of the Number of Men INVALIDED since the 1st July 1863.

Station :—Gold Coast.

Number invalided - - - - - 18

Adjutant General's Office, Horse Guards,  
14 June 1864.

*A. Horsford,*  
Secretary.

No. 9.

LIST of the Number of MEN in HOSPITAL on the 1st May 1864, the date of the latest Return from the Gold Coast.

Station :—Gold Coast.

Number reported "sick" - - - - - 64

Adjutant General's Office, Horse Guards,  
14 June 1864.

*A. Horsford,*  
Secretary.

No. 10.

STATEMENT of the remaining EFFECTIVE FORCE at *Cape Coast Castle* on the 1st May 1864, the date of the latest Return.

Officers - - - - - 48  
Non-commissioned officers and men - - - - - 1,348

Adjutant General's Office, Horse Guards,  
14 June 1864.

*A. Horsford,*  
Secretary.

CAPE COAST.

STATEMENTS of the Number of OFFICERS and  
MEN in the *Cape Coast* Command on 1 July  
1863; of the Number of OFFICERS and MEN  
Landed from the "Megara," at *Cape Coast*, in  
August 1863; of the Number of OFFICERS and  
MEN Landed from the "Tamar," at *Cape Coast*,  
on 9 April 1864; &c.

(*Marquis of Hartington.*)

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*Ordered, by The House of Commons, to be Printed,*  
*16 June 1864.*

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# FURTHER PAPERS

RELATING TO

## MILITARY OPERATIONS ON THE GOLD COAST.

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Presented to both Houses of Parliament by Command of Her Majesty.

June 1864.

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## SCHEDULE.

## DESPATCHES FROM THE GOVERNOR.

|                                   |                                      |
|-----------------------------------|--------------------------------------|
| 1. No. 18.—10 March 1863, page 1. | 7. No. 92.—12 October 1863, page 10. |
| 2. No. 40.—12 May 1863, „ 4.      | 8. No. 98.—9 November 1863, „ 11.    |
| 3. No. 44.—13 May 1863, „ 6.      | 9. No. 107.—14 December 1863, „ 13.  |
| 4. No. 47.—10 June 1863, „ 7.     | 10. No. 28.—5 March 1864, „ 13.      |
| 5. No. 57.—13 July 1863, „ 9.     | 11. No. 30.—8 March 1864, „ 14.      |
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CHURCH OF THE HOLY TRINITY

WEDNESDAY

THE HOLY TRINITY  
CHURCH  
WEDNESDAY  
MAY 19, 1893  
THE HOLY TRINITY  
CHURCH  
WEDNESDAY  
MAY 19, 1893



## FURTHER PAPERS

RELATING TO

## MILITARY OPERATIONS ON THE GOLD COAST.

## Despatches from the Governor.

No. 1.

GOLD COAST.

COPY of a DESPATCH from GOVERNOR PINE to his Grace the Duke of  
NEWCASTLE, K.G.

No. 1.

(No. 18.)

James Town, Accra, March 10, 1863.

(Received April 13, 1863.)

MY LORD DUKE,

I HAD scarcely closed the Despatch which I had the honour to address to your Grace on the 13th ultimo when it came to my knowledge that large quantities of munitions of war had recently been purchased by the subjects of the King of Ashantee, and that his messenger was on the road with a hostile message from His Majesty. I then issued a proclamation prohibiting the sale of munitions of war except for the purposes of defence.

2. On the 17th ultimo the Captain or Chief with his followers, who had visited me before on behalf of the King of Ashantee, arrived, and on the following day I received him in the Palaver Hall, when he delivered his message from his Sovereign, from which, although occupying nearly half an hour in relation, it was impossible to gather the slightest information. He then with much form and ceremony presented to me the King's letter, of which I have the honour to enclose a copy.

I did not deem it expedient to open this letter in the presence of the persons assembled, although I might say its contents were anxiously sought for by thousands. I then dismissed the captain and his followers to the lodgings prepared for them, desiring that they should be treated with the utmost civility and attention.

3. The following morning I had a private interview with the Chief, when all I could extract from him was that the King had no intention of sending witnesses in support of the charge he alleged against his subject, Quasi Gainie, and that he was desired to hasten back with my final answer to the King's demand, and I appointed the following day for that purpose. I then proceeded to Elmina as the guest of the Dutch Governor on the occasion of the celebration of the birthday of his Sovereign.

4. Early on the following morning the Governor informed me that he had received a letter and message from the King of Ashantee complaining of my conduct, nearly in the same terms as that he addressed to myself. The Governor appeared much alarmed, admitted that a large quantity of munitions of war had been sold to the people of the King of Ashantee very recently, but that he had, at Elmina, prohibited a further supply at my request. He expressed his regret that he was unable to do more than remain neutral, as the King of Ashantee was his ally. He, however, offered to despatch an officer to the King of Ashantee as mediator between us, which offer I did not accept, and I then returned to Cape Coast Castle to hold my palaver with the King's Emissaries.

5. At the meeting were present all officers, civil and military, merchants, and as large a portion of the inhabitants of the town as could be accommodated in the hall, when I had read aloud the long expected letter of the King of Ashantee.

The treaties and other documents connected with our relations with Ashantee were laid upon the table for inspection, and every person of long residence and experience in the settlements was invited to give information on the subject. The more the validity of the claim of the King of Ashantee to the restoration of his subject unconditionally by treaty was investigated, the more apparent it became that it was invalid; and it was the

Encl. No. 1,  
Feb. 9, 1863.

GOLD COAST. unanimous opinion of all present that my compliance with the King's request for the delivery of his chief, Quasi Gainie, to death and plunder was impossible.

The whole of these proceedings were carefully explained to the King's Emissaries, and they were asked whether they had been molested on their way down to Cape Coast Castle, when they replied that *they* had not, but that a small quantity of gunpowder and guns had been seized from them in the town of Cape Coast, and that some of their countrymen had been similarly treated by the different tribes through whose countries they had passed. I explained to them that the seizure in Cape Coast was in accordance with my Proclamation, but that the other wrongs of which they complained were utterly without my sanction or approval, and had doubtless occurred (if at all) in consequence of the prevailing impression that the King of Ashantee meditated hostile proceedings against the Protectorate, an impression which had been created by the acts of the King himself.

Throughout the whole of this long interview the chief Captain behaved with the utmost self-possession and politeness, conversing freely on all subjects, but most assiduously avoiding all information or allusion to his King's intentions.

Encl. No. 2.  
Feb. 21, 1863.

6. On the 21st ultimo I prepared the letter, a copy of which I have the honour to enclose, and after a long private conversation with the captain and his followers, at his request, the small quantity of powder and guns which had been seized from him at Cape Coast Castle was given up, and he took leave of me in an unusually friendly manner.

7. I then embarked for this place en route to Croboe.

A day or two after my departure the King's Emissaries left Cape Coast with my letter, apparently much pleased with their reception, but leaving the impression on all persons of experience in the dealings of the King of Ashantee that His Majesty's intentions were as mysterious and suspicious as ever; and it is notorious that the subjects of this absolute Monarch are silent as the grave with respect to the real secrets and intentions of their royal master, and are taught to mislead their listeners.

Encl. No. 3.  
Feb. 19, 1863.

8. On the 25th ultimo a second messenger arrived from the King of Ashantee with the letter, a copy of which I have the honour to enclose; and although opinions may vary on the subject, there is a general feeling throughout the Protectorate of suspicious alarm and uncertainty as to the ultimate intentions of the King of Ashantee; and after deliberate and cool consideration, I cannot convince myself that any circumstances have arisen which should cause me to relax my efforts and watchfulness for the defence of the Protectorate, or render unnecessary the precautions which I had already deemed expedient.

Encl. No. 4.  
Feb. 20, 1863.

9. On the 13th ultimo I addressed the Admiral on the subject, and his reply I have the honour to enclose.

10. On the 7th instant Her Majesty's troop ship "Adventure" arrived during my absence in Croboe with 80 men of the 3rd West India Regiment to relieve the 100 of the 2d West India Regiment which had previously been stationed here in lieu of the mutineers of the Gold Coast Artillery. She then proceeded to Lagos to exchange the detachments stationed there, and is expected here on the 13th instant to receive on board the men of the 2d West India Regiment.

11. I regret to state that within the last few days a considerable portion of the men of the Gold Coast Artillery have shown, in my very presence, the most insubordinate and mutinous disposition, and it is my duty to inform your Grace that for some time past the friendly relations between the British and Dutch subjects of the Accras have been much disturbed, and that within the last few days the peace of the district has been jeopardized, and but for a timely discovery and energetic measures for prevention, a collision would have taken place between the rivals.

12. Your Grace will thus perceive that my difficulties and anxieties have accumulated rather than diminished, and I trust that the step which I am about to take will not be considered other than prudent and necessary.

It is my intention, on the return of the "Adventure," to detain her with all her force, at least until I feel more confident of the aspect of affairs.

Your Grace will permit me to observe that the Admiral deemed my defenceless position worthy of attention, and anticipated my availing myself of the "Relief;" and that position has now become more difficult.

13. I have omitted to state that although for months I have been promised by the naval authorities a ship of war, I have not seen one until after having sent abroad requisitions in quadruplicate. Her Majesty's sloop "Ranger" anchored in these roads a few days since, the commander of which, however, explains to me that he is only supplied with a few days' coals and provisions, that he is the only vessel on the station, and that it is utterly impossible for him to remain with me, although he reluctantly consents to await the arrival of the "Adventure" on the 13th instant.



14. Should the promised man-of-war arrive, I may then perhaps venture to permit the troop ship to proceed on her voyage, but in that case I should probably request the officer commanding the troops to send up to Sierra Leone the mutinous members of the Gold Coast Artillery Corps; and even then I should, in addition to my other risks, incur that of having a garrison composed of about one-third loyal troops against two-thirds of (to say the least of it) doubtful characters. GOLD COAST.

15. It is not possible for me to state with precision the details of the arrangements which I contemplate until the arrival of the "Adventure," and a consultation with her commander and other officers; but your Grace may rest assured that if any more advantageous and less inconvenient course can then be adopted than the one I contemplate, I shall with avidity seize it, having always due regard to the safety of the extensive territories confided by your Grace to my care.

I have, &c.  
His Grace the Duke of Newcastle, K.G., (Signed) RICHARD PINE,  
&c. &c. &c. Governor.

Enclosure 1 in No. 1.

The KING of ASHANTEE to the GOVERNOR of the GOLD COAST.

Encl. 1 in  
No. 1.

YOUR EXCELLENCY,

Kumasi, February 9, 1863.

YOURS was received safely by Ahmanquah Akkoomah on the answer of Quasie Gainie's case, because the case is between himself and his wife who was to pawned to him by his family, and it happened some quarrels between them about gold, which his wife said took from the ground, and had given him, but Quasi Gainie said his wife have told lie; and the woman sworn the King's great oath that she did not tell a lie. Quasi Gainie also sworn that he likes the case should be brought forward in the presence of the King; in the meantime they were King's messengers, who were coming from different places, happened to be present there instant to bring him, and he set them eight days' time; and after the time fulfilled, he set them a time of 10 days more; again fixed them 15 days' time to come with them; and if he did not come then he is guilty according as he said the 15 days fulfilled, and refused to come, the messengers condemned him to be guilty, and pronounced the woman faithful, and claimed from her, according to the custom, oz. 4.8 acs., to bring to the King; and the returned the gold back because the said Q. Gainie has given his own word to come to the King to settle the case for him; for this reason I return the gold back untill he comes with his wife to proof the case before me; because, he being the son of my captain, I believe him more to see his case for him. But when they returned they did not see him, but ran away to Cape Coast. I think you to be my good friend, and always I believe you, that I can get back any of my slave who run away to you; but in poor George Maclean's time I made agreement with him in certificate, the one in Cape Coast Castle, and another in my hand therein, states that any Fantee person run up to me, to deliver him, and bring him to Cape Coast; and if any slave of mine also run away to Cape Coast you are to deliver him back also to me, as all the Governors that take charge of Cape Coast Castle did not move from this agreement, but always filled the rules of the said poor Geo. Maclean, except your time has destroyed the agreement; but little time before your coming, about 70 persons of Wassaw, your own subjects, ran away to my country, and the Governor of Cape Coast Castle sent a soldier to me for them, and I tried as much as possible and got them for the soldier to deliver them to him. These persons I subsisted them oz. 4.8 acs. gold dust to maintain themselves in the way because the Governor, being a good friend to foreshown agreement, and also to me. But when you came, any of my slave run away to Cape Coast, you and subjects take them and would bring him to me, so you have taken more of my subjects, and even my grandson, and now you are going to take Quasi Gainie also. So you must not blame me for keeping my subjects from coming down to Cape Coast, but when any disturbances arise, then all the blame is upon you because you have broken the rule of agreement. But one of my slaves named Quarquah, who was witness to the said agreement, and who was the bearer of the certificate for me, is absent in the town, and I have sent messenger after him, but when he comes I will let him come with the book that you may see your guiltiness.

I am, &c.  
(Signed) QUACOE DUAH, of Ashantee.

Enclosure 2 in No. 1.

GOVERNOR PINE to the KING of ASHANTEE.

Encl. 2 in  
No. 1.

KING, Cape Coast Castle, February 21, 1863.

On the 19th I received Your Majesty's letter of the 9th instant, in reply to mine of the 16th December last, in which I stated my reasons for not complying with Your Majesty's request, that I should deliver up Quasie Gainie, and that I could not do so without some evidence of the crime which he was alleged to have committed.

To Your Majesty's messenger "Ekumar," I explained that if anything like evidence were sent to me, such as that of the accuser, I would deliver Quasi Gainie.

I have carefully perused Your Majesty's last letter, and interrogated your messenger; but both are silent as to any evidence having been sent, and the messenger, indeed, states that you do not care for evidence.

Your Majesty speaks of an agreement with the late Governor George Maclean he should deliver you up all your runaway slaves and people, and that I am the first Governor who has broken this

GOLD COAST. bargain—but I can find no such agreement; but on the contrary I find that Mr. Maclean himself says he gave up one or two persons, and those for proved crimes, upon payment of a sum of money.

I am willing to give up criminals, although there is no such agreement; but I do not consider Quasie Gainie a criminal until you prove him so.

Your Majesty complains that you gave up to this Government 70 of its subjects; but they had committed no crime, but were free people whom you detained, but I am sorry to say that up to this time you detain many more.

You say that I take and keep your subjects; but I never have, and never will. I request them to return to you, but I cannot force them; and I trust therefore that you will not prevent your subjects from coming here, because this will injure trade and show that you desire to break the friendship between us.

You also say that if disturbances arise I am to blame; but unless you cause disturbances they will not take place I hope; and, if they do, I trust you will help me to suppress them.

Your Majesty intends, it appears, to send a messenger named Quar Quar, who was witness to the supposed agreement with Governor Maclean. I shall receive him well; and if he can convince me that Quasie Ganie should be delivered, I shall be happy to send him.

I am, &c.  
(Signed) RICH. PINE,  
Governor and Commander-in-Chief, &c.

Encl. 3 in  
No. 1.

Enclosure 3 in No. 1.

The KING of ASHANTEE to the GOVERNOR of the GOLD COAST.

YOUR EXCELLENCY,

Kumasi, February 19, 1863.

I BEG to know the reason, by my sword bearer Asal, the reason why your Honour's subjects seized all my people whom trade business call them to visit your coasts on the road. Whereas I mentioned in my last letter by Armanquah Eccoomah that Quarquah, who was present at that time when poor G. Maclean wrote the note or agreement of peace were come from where I sent after him, should call upon you with the agreement note to show you that you might see your guiltiness by which you alone brought upon yourself, and this note or the last answer respecting the case of Quasie Gaimie, has not reach your hand yet before your people, especially Donnassie and Accra roads, when any of my subjects enter it they are caught, but when I heard so I do not believe it till I come and ask from your Honour. My friend, the reason Orbin, chief at Ahdansie, also who knew and present at that time when agreement of peace note was made to take care of road between the British and Ashantee paths, did not know anything at all before your people began to seize the Ashantees; the reason his own bearer also along His Majesty's to demand the cause. I beg your Excellency to allow sooner, or in course of five days, return of my messenger.

I am,  
Your Friend and Majesty,  
KING QUACOE DUAH, at Ashantee.

R. Pine, Governor,  
&c. &c. &c.  
Cape Coast Castle.

Encl. 4 in  
No. 1.

Enclosure 4 in No. 1.

SIR,

"Narcissus," at Sierra Leone, February 20, 1863.

I HAVE the honour to acknowledge the receipt of your letter of the 13th instant, which has reached me on the eve of my departure from this port. As Commodore Wilmot is here I have handed him your letter, and he will cause a ship of war to be sent to you, which, with the reinforcements about to join you by Her Majesty's ship "Adventure," will, I trust, restore confidence in the Protectorate under your Government.

I am informed by Commodore Wilmot that Her Majesty's ship "Lee," was despatched from Fernando Po on the 8th instant to Cape Coast Castle to be at your service.

I have, &c.  
(Signed) B. W. WALKER,  
Rear-Admiral Commander-in-Chief.

To his Excellency Governor Pine,  
Cape Coast Castle.

No. 2.

No. 2.

COPY of a DESPATCH from GOVERNOR PINE, to his Grace the Duke of  
NEWCASTLE, K.G.

(No. 40.)

Cape Coast Castle, May 12, 1863.

MY LORD DUKE,

(Received June 10, 1863.)\*

In the evening on the day on which I had last the honour to address your Grace, Major Cochrane having received information that Anamaboe, where a small force was stationed, was threatened by the Ashantees, marched with his whole force for that place with a view to meet the enemy.

2. After waiting three days at Anamaboe without any result, the officer commanding

\* Answered by No. 80, of which Extract is printed at page 23 of Ho. Com. paper No. 385 of 1864.



marched to a place called Mankessim, about 15 miles in the interior, in the direction of the alleged position of the enemy, where he remained until the 5th instant, but without meeting with any opposition, although reporting to me continually that the enemy was sometimes in one direction, sometimes in another. GOLD COAST.

3. In the neighbourhood of Mankessim were encamped some thousands of native allies, who are supposed to send out spies under the direction of the commanding officer for observation, and yet, extraordinary as it may appear, nothing but the most insignificant skirmishes had taken place, and those apparently between the spies of either party.

4. On the 7th instant Major Cochrane proceeded some two miles distant to a place called Denkera, and the last information I received was from Barnge, a little further on, but up to this moment I have no tidings that he had encountered the enemy, although he continually speaks of him.

5. It is exceedingly unsatisfactory for me to be able to afford your Grace a vague and meagre account only of the military proceedings within the Protectorate, but your Grace is aware of the somewhat anomalous position of a civil Governor in time of invasion, when the officer commanding the troops becomes "responsible" (in the words of Her Majesty's Regulations for the Army) "for his acts, in such manner as he may consider necessary" for the defence and security of the Colony, the power of the civil Governor to issue "orders being suspended."

6. While at Mankessim, Major Cochrane kept me advised of his movements, or, to use his own words, non-movements, and changed his plans so frequently that it was difficult and sometimes impossible to comply with his requisitions or glean the slightest information, but of late I have no knowledge of his proceedings; and he does not seem to think it necessary that I should have.

7. Much dissatisfaction has lately been expressed by the inhabitants of this town and our allies at the inactivity of Major Cochrane with the regulars and a large native force at his command; and that within so short a distance of one body of the enemy's army, he should not have sought him out, as the invaders can be no longer permitted to overrun the country at their will, and I am reluctantly compelled to admit that I participate to a certain extent in the feeling.

8. Independent of the army which Major Cochrane is supposed to be watching in the Winnebah district, there is another body of Ashantees in the Assin district, where some 8,000 or 10,000 native allies have for some weeks been collecting, and for which a European commanding officer was required.

I applied to Major Cochrane for such an officer, but he being, as he stated, unable to comply with my request, I have accepted the volunteered services of Captain Wood, a half-pay officer of some 20 years' standing in the Royal Marine Light Infantry, to whom I have given the local commission of a major (subject to your Grace's approval) so that he may be senior in rank to any volunteer officer associated with him.

Major Cochrane has approved, in the following words, Captain Wood's commanding the native force alluded to:—"I have the satisfaction of believing that the supervision of the army at Mansue could not lie in better hands than Captain Wood, whose full-pay services as a staff officer I have reason to think your Excellency has power to call for under the circumstances, a step I should heartily approve of;" and I was advised that I should be justified in directing the issue of field allowance to Captain Wood from the commissariat chest, a step to which Major Cochrane afterwards declined to accede, although he was unable to furnish me with an officer.

I trust that your Grace will approve the measure I have adopted, and move the military authorities to sanction the field allowances in question.

9. The district of Accra is also threatened by an army of Ashantees, and as all the military have been removed from thence and it is undefended, I contemplate despatching a detachment of seamen to garrison the town, a duty at present performed by a small number of volunteers, to whom I have sanctioned the usual pay and allowances.

10. Your Grace will have perceived that there is an absence of military force in two of the divisions of the Protectorate where Ashantee armies are advancing, a want which I am most anxious to supply on the augmentation of the military force here, as Major Cochrane declines to detach any portion of the men at his disposal for the purpose.

11. It is with the deepest regret that I find myself involved, in spite of all my precautions, in a serious, and I fear, lingering war; but such being the case I will not conceal from your Grace the earnest desire that I entertain that a final blow shall be struck at Ashantee power, and the question set at rest for ever as to whether an arbitrary, cruel, and sanguinary Monarch shall be for ever permitted to insult the British flag and outrage the laws of civilization.

GOLD COAST.

This desirable object can be attained only by the possession of such a force as I fear the Governor of these settlements can never hope to command, unless your Grace should be pleased to urge upon Her Majesty's Government the policy, the economy, and even the mercy of transporting to these shores an army of such strength as would, combined with the allied native forces, enable us to march to Coomassie and there plant the British flag.

12. To a stranger the course I point out may appear a visionary one, but I am convinced that, even with all the disadvantages of climate, the expedition would not be so dangerous, so fatal, or accompanied with such loss of life as have attended expeditions in other and apparently more genial climes; and with 2,000 disciplined soldiers, followed by upwards of 50,000 native forces, who require only to be led and inspired with confidence by the presence of organized troops, I would undertake (driving the hordes of Ashantees before me) to march to Coomassie.

13. As the case now stands, the most I can hope is to drive the Ashantees from the Protectorate without the chance of administering that chastisement or demanding that retribution which is so justly due to its inhabitants, and remain in constant dread of subsequent incursions of a powerful enemy.

14. Although I am not sanguine, the allies now in arms, amounting to upwards of 50,000 men, declare that with the smallest additional military force they would attempt to reach Coomassie if permitted; and I only hope that the assistance I have demanded from Sierra Leone and the Gambia, as I advised your Grace by the last mail, may arrive and be in such force as to embolden me to sanction such an enterprise, for I feel that any other measure must necessarily be incomplete.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) RICHARD PINE,  
Governor.

No. 3.

No. 3.

COPY of a DESPATCH from GOVERNOR PINE to his Grace the Duke of  
NEWCASTLE, K.G.

(No. 44.)  
MY LORD DUKE,

Cape Coast Castle, May 13, 1863.

(Received June 10, 1863.)

I THINK it due to Commodore A. P. Eardley Wilmot to report to your Grace in detail the efficient manner in which he has provided for the defence of this castle and the forts and heights adjacent.

2. The castle is garrisoned by Commander De Wahl of H.M.S. "Rattlesnake," her Surgeon Dr. Drew, Sub-Lieutenants Shuckburgh and Bedford, Assistant Paymaster North, Assistant Engineer Thompson, Master's Assistant Foot, Lieutenant Bouchier, R.M. 46 seamen, 24 marines, and 10 Kroomen.

Connor's Hill, now Fort Frederick is garrisoned by Lieutenant Hewitt, Gunner Smith, 25 seamen, and four Kroomen.

Fort William is in charge of Lieutenant Montray, 16 seamen, and two Kroomen, and Prospect Hill, the residence of Mr. Barnes, is commanded by Midshipman Ewbank, 11 seamen, and two Kroomen, making a total of 152 men of all ranks.

3. This force has been detached for shore service since the 17th ultimo, but some time before that, at my request, the repairs of this dilapidated fort, and the construction of earthworks was commenced under the personal supervision of the Commodore himself, who did not leave this station until the 30th ultimo.

4. During the same period Captain Wratishaw of the "Ranger" has been placed at my disposal, and his prompt, courteous, and continued watchfulness for the welfare of these settlements deserve, I respectfully submit, your Grace's favourable recognition.

5. Of Captain De Wahl and his officers and men, I cannot speak too favourably, for they appear to vie with one another in the performance of their constant onerous and trying duties in this unhealthy climate.

6. Captain De Wahl has made an application to the Military Accountant here for the consideration of the Right Honourable the Secretary of State for War, to be permitted to draw command money, and I venture to solicit your Grace's interest with the military authorities in his behalf.

7. I desire to bring under your Grace's notice the inconvenience to which the subordinate officers of the naval force are subjected from their residence on shore by reason of their being unable to join messes suited to their incomes; and in order to remedy in part this hardship, I have taken upon myself to request the issue from the commissariat



chest of the allowance of 2s. 6d. per diem to each officer now serving in this garrison, a GOLD COAST.  
step I doubt not your Grace will support.

I have, &c.

His Grace the Duke of Newcastle, K.G., (Signed) RICHARD PINE,  
&c. &c. &c. Governor.

No. 4.

No. 4.

COPY of a DESPATCH from Governor PINE to his Grace the Duke of  
NEWCASTLE, K.G.

(No. 47.) Edjimagu, 60 miles North-east Cape Coast Castle,  
June 10, 1863.

MY LORD DUKE, (Received July 13, 1863.)

WHEN last I had the honour of addressing your Grace on the subject of the Ashantee invasion, I was reluctantly compelled to state that considerable dissatisfaction existed in the settlements with respect to the military operations, and the want of success which had attended the movements made to repulse the enemy, and even up to this date I regret that I am unable to make a more favourable report.

The information conveyed to me by Major Cochrane having become more and more scanty, his plans being to me inexplicable, and frequent complaints having been made to me by the native Kings, chiefs, and others of the want of military support in their encounters with the enemy, I felt it my duty to ask for an explanation from Major Cochrane himself.

Unfortunately my communications were displeasing to Major Cochrane, and he remained silent until the 13th ultimo, when, to my utter astonishment, on the 13th ultimo, he suddenly submitted to me the propriety of withdrawing to Mumford, on the sea coast.

On the 16th ultimo I wrote to him, not only refusing to sanction such a step, but protesting firmly against it. Major Cochrane, however, thought fit to retire without awaiting my reply.

A few hours after I received from Captain Williams, commanding a detachment here, information that Major Cochrane had also recommended him to withdraw, but that, although in want of provisions and of a medical officer, he should remain at his post if I desired it.

I immediately took measures to have Captain Williams' wants supplied, and urged him to remain at his post, if he could do so consistently with the safety of himself and his detachment.

On the 21st ultimo I received a second communication from Captain Williams, requesting instructions as to a released Fantee prisoner, the bearer of a flag of truce from the enemy's camp.

This messenger was also the bearer of two small pieces of cane, one considerably longer than the other. He said he was desired by Prince Owoosococo, the nephew of the King of Ashantee, and commander-in-chief of his invading army, to tell me that he (the Prince) was encamped at a place called Gaden-upon-Berim, about 40 miles from this; that he had come to fetch King Adjiman, who had previously insulted and wronged the Prince's father; that he would have Adjiman, dead or alive; but that he did not wish to fight with the white men or the Fantees; that if I would give up Adjiman, dead or alive, the war would be short, in which case I must send the shorter stick; but that if I refused I must send the longer, and that then he (the Prince) would remain in the territory for years.

Doubting the genuineness of this message, I determined, if possible, to send Prince Ansah, the brother of Owoosococo (who was, as your Grace is aware, educated by and is a pensioner of the British Government), to the Ashantee camp, to which he consented.

Captain Williams, amongst other things, informed me that if I desired him to attack the enemy he could not do so without transport provided by the Fantee allies; that he had applied for this essential from the Kings and chiefs assembled, and that they had refused it on the ground of their great dissatisfaction at the proceedings of Major Cochrane, stating that the Government had deserted them.

Considering this an important crisis, I started as quickly as possible for this camp, which I reached on the 27th.

The next day I met the Kings and chiefs, accompanied by an army of some 8,000 men, when I immediately explained that the object of my visit was to state that the Govern-

**GOLD COAST.** ment had not deserted them; that Major Cochrane was the officer appointed to command the troops, and that his operations had been mainly ineffective by reason of the non-supply of transport, and the general conduct of them, the Fantee Kings and chiefs; that whatever were their grievances, they must not allow them to interfere with their loyalty and co-operation with me or Her Majesty's officers for the defence of their own country.

The Kings and chiefs expressed the greatest satisfaction at the opportunity afforded them of explanation, and requested me to procure ink and paper, and write down all they said.

The Kings then, one after another, made statements to the effect that they had supplied Major Cochrane with transport; and that, so far from having helped them, he had refused to do so. They complained especially that King Akinney, chief of a town named Bobbeecoomah, had been left to defend himself against an army of Ashantees, although he had represented his danger; and that Major Cochrane had not only abandoned him to his fate, but had ordered away two other Kings with their armies, in spite of their remonstrances, leaving their friend in danger. The statement (a very lengthened one) was reduced to writing, and will in all probability, at a later period, be forwarded to your Grace.

I replied that Major Cochrane was answerable for his acts, and requested that if Captain Williams advanced to meet the enemy he should have an ample supply of carriers for the purpose of transport, a request which was unanimously agreed to.

On the following day I despatched Prince Ansah in search of the Ashantee camp, accompanied by Mr. Bernasco, an assistant Wesleyan missionary, who volunteered, as well as by four followers supplied by the Fantee Kings assembled.

My instructions to Ansah were to the following effect: that if the prisoner sent was in truth a messenger from the Ashantee commander an accredited and responsible Ashantee should be sent into our camp with a flag of truce, otherwise that no parley could be held, and Ansah must return; that if the message had been correctly interpreted Prince Owoosococo was adding insult to injury by demanding, for the first time, with an armed and invading force, a chief under British protection; that if Adjiman had committed any offence the case should be duly investigated, but that redress must be at once made for the outrages committed by the invading army, and such army must then withdraw from the Protectorate.

Ansah was further instructed to use the utmost despatch, as it was more than probable that the enemy's object was to gain time, in order to cover his retreat from the Protectorate before he could be called to account; and it was distinctly understood that if his instructions were not acted up to I should be at perfect liberty to proceed in any way which might be desirable, without reference to Ansah, who avowed himself to be in the most perfect security with his own brother.

June 1, 1863.

Vide House of  
Commons  
Paper No. 385,  
page 12.

On the 2nd Inst. I received a note from Ansah, a copy of which I have the honour to enclose, the bearers of which (who had accompanied Ansah), stated that Owoosococo addressed to them the following words:—"Perhaps when you go back to the camp the white men and Fantees will ask you what I said. Tell them that I do not want to trouble them, but that I came for Adjiman, and Adjiman's head I will have. The Governor must send me Adjiman's jawbone."

The prince then repeated as nearly as possible the message which had been brought with the flag of truce some days before.

After interrogating the messengers I instructed Captain Williams and the allies to hold themselves in readiness to advance on the shortest possible notice; and I have remained up to this time in the greatest anxiety, not for the safety of Ansah or his party, but because I fear that the enemy will escape the necessary chastisement which he deserves.

It is needless for me to assure your Grace that my desire is not for bloodshed; but I feel the absolute necessity for the most ample indemnification for the losses sustained by the inhabitants of this Protectorate, as well as for the immense expense which has been already incurred on account of the regular troops, and in the supply of munitions of war to the thousands of allies upon whom famine and desolation have been thrust by an unscrupulous enemy; and I should indeed deplore the fact of the enemy escaping without question, and the necessity which would then exist for proceeding into the heart of the kingdom of Ashantee to demand redress.

Your Grace will be shocked to learn that upwards of 30 towns and villages have been pillaged and burnt; that a large proportion of the crops has been destroyed by the Ashantees; and that several hundreds of Fantees have been slain, although at the cost of (it is supposed) a larger proportion of the enemy.

Your Grace will perceive that the King of Ashantee now alleges another pretext for quarrel, and that I am guided by the same principles with respect to the liberty of an



innocent subject, which your Grace was pleased to approve in the case of the chief GOLD COAST. Gainie, as Adjiman is not known to have committed any offence.

On the 5th instant Major Cochrane arrived here, whether or not influenced by my presence here or my protest I am unable to say, but with 20 men only by way of escort.

I immediately made him acquainted with all that had been stated by the Kings and chiefs, which for the most part he denied, but admitted that he had committed an error in leaving King Akinney's town. He declares however his ability to account for all his proceedings, when called upon to do so by the military authorities. I further made him acquainted (as officer commanding) with the intention of Captain Williams, subject to my sanction and approval, to advance on the enemy, and he naturally elected to take the command; stipulating, however, that he should be supplied with the number of carriers he required.

I presented Major Cochrane to the Kings and chiefs, explaining to them the manner in which he met their complaints against him, and informed them under what conditions he would advance to repel their enemy.

The Kings and chiefs having consented to supply me with an adequate transport corps, Major Cochrane is ordering up from Mumford the remainder of the force which is stationed there, calling in other detachments, and making all other preparations necessary to the expedition; but I fear no onward movement can be made for some days.

\* \* \* \* \*

In conclusion I would explain to your Grace that I have been detained here from day to day, at great inconvenience, discomfort, and privation. But that my presence at this critical moment, for the purpose of watching events, conciliating parties, and personally carrying out measures necessary for the purpose of restoring the waning confidence of the people in British protection, is so essential that I prefer forwarding to your Grace a hasty and imperfect sketch of events, to proceeding to Cape Coast, where, with the assistance of documents of reference, I might hope to present a report more worthy of your Grace's perusal.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) RICHARD PINE,  
Governor.

#### No. 5.

COPY of a DESPATCH from Governor PINE to his Grace the Duke of  
NEWCASTLE, K.G.

(No. 57.)

Cape Coast Castle, July 13, 1863.

(Received August 14, 1863.)

MY LORD DUKE,

AFTER I had closed my Despatch of Saturday last a Deputation waited upon me to present an Address.

\* \* \* \* \*

The first request I will make is that if your Grace shall be pleased to afford me the military aid which I sought in my Despatch of the 12th May last, an officer of rank and experience, if possible, in bush fighting shall be selected to command; that the troops should, if possible, be composed of men who have served in the tropics, and should arrive not later than the 1st of November; and the deputation suggested that they should be Sikhs, but I imagine that the West Indian regiments would be more accessible.

No. 40. page 4.

Unfortunately, however, there is a prejudice against the Gold Coast Corps and the detachments of the 2nd and 3rd West India regiments who have served here, on account of the outrages which they are alleged to have committed; but, from experience, I venture to state that black troops should have their fullest complement of strict and disciplined officers as a remedy against this evil.

Secondly, I highly approve and earnestly join in the prayer of the deputation that your Grace will be pleased to provide this Government with supplies of provision, for I firmly believe that the greatest distress will exist ere long, and that thereby, unless provided against, the movements which I so earnestly advocate so soon as the rainy season shall be over will be retarded.

\* \* \* \* \*

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) RICHARD PINE,  
Governor.

OLD COAST.

No. 6.

No. 6.

COPY of a DESPATCH from Governor PINE to his Grace the Duke of  
NEWCASTLE, K.G.

(No. 74.)

James Town, Accra, August 25, 1863.

(Received October 13, 1863.)

MY LORD DUKE,

I HAVE the honour to inform your Grace that on the 13th instant Her Majesty's Ship "Megæra" arrived at Cape Coast Castle, with the right wing of the 4th West India Regiment, commanded by Lieutenant-Colonel Conran, the whole strength of the force consisting of 495 souls.

I have further to report that the Naval Brigade, under Commodore Wilmot, embarked on board the flag-ship "Rattlesnake," and Colonel Conran assumed command of the garrison. On the 23rd instant the Commodore, having courteously afforded me a passage to this place, proceeded on the following day to the south coast, from whence he promised to return in November next, and place himself at my disposal.

\* \* \* \* \*

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,

(Signed)

RICHARD PINE,

&amp;c.

&amp;c.

&amp;c.

Governor.

No. 7.

No. 7.

COPY of a DESPATCH from Governor PINE to his Grace the Duke of  
NEWCASTLE, K.G.

(No. 92.)

Government House, Cape Coast, October 12, 1863.

(Received November 11, 1863.)\*

MY LORD DUKE,

I HAVE the honour to acknowledge the receipt of your Grace's Despatch, No. 80, of the 22nd of August, in reply to mine, No. 57,† of the 13th of July; and referring also to my former Despatch of the 12th of May, No. 40,‡ with a suggestion that a force should be organized for the purpose of invading the Ashantee territory.

2. Your Grace is pleased to acknowledge the encouragement which the unfortunate inaction during Major Cochrane's command may afford to fresh aggressions by the Ashantees; but your Grace continues, that the proposal of a regular invasion upon that nation and a march upon their capital is too serious to admit of your Grace's encouraging it; and that it should be adopted only in case of over-ruling necessity, and the report of some more competent military commander than any one from whom there has yet been an opportunity of obtaining one on the Gold Coast.

3. I am not insensible to the high reward which I have already attained from the receipt of your Grace's Despatches from time to time during the period of my trial, but I trust that I may be permitted respectfully to express my disappointment at being unable, fortified by your Grace's sanction, to prosecute with vigour the only measure which I conceive can with certainty procure and secure peace, self-confidence, and eventual prosperity and happiness, not only to the inhabitants of the Protectorate, but to the British merchants and settlers engaged in mercantile pursuits.

4. The natives, by the recent events, in addition to their want of confidence in the Ashantees, have also well nigh lost that in the British protection, and since the return of the troops, continual inquiries have been made as to my future plans, and I have partially pacified and encouraged them by the promise that with permission I would never leave this coast until I had gained them redress for the wrongs they have suffered, and on their parts they have promised and are actually ready to commence roads as far as the "Prah" and to supply a portion of the necessary transport.

5. I perceive with pleasure that your Grace is pleased to hold out some hope that upon a report of a competent military officer my view may be re-considered; but I respectfully submit that a long residence on the coast and an adequate knowledge of the country cannot be expected in any military commander who is actually or likely to be here; whoever he may be, he must gain his information from others, and without vanity I may say that I am in a position to give all information, and that I have experienced of the difficulties which have to be guarded against.

6. The main want in the last expedition, according to Major Cochrane, was transport and difficulty of travelling in the interior; and although I aver that those difficulties were sufficiently remedied to have enabled much more to be done (in which opinion I believe the officer now commanding will state his concurrence to the Horse Guards), I have taken and am taking preliminary steps to avoid the recurrence of the past, and contemplate

\* Answered

No. 115, 21

Dec. 1863.

Vide Ho. Com.

Paper, No. 385,

page 24.

† Page 9.

‡ Page 4.



sending to the Kroo coast for a large body of the inhabitants of that nation in the event of the necessity of the troops again taking the field. GOLD COAST.

7. With respect to the probability of this necessity, I have the honour to report that three days since the King of Denkera, the country to which the refugee Ganie repaired, sent me duly authorized messengers—with the horrible proof which is considered essential, a fresh Ashantee jawbone—the news of a skirmish which has taken place between a few Fantees and Ashantees, during which the unfortunate owner of the jawbone was killed; and the natives are compelled to be more or less on the alert.

8. All I hope is, that absolute advance will not be compulsory before December next, as having had as yet no rain we must expect an unusual quantity of what is called the “latter rain” during this and the next month.

9. I believe that Colonel Conran would be willing, and even anxious, to advance with the 600 men under his command; and in such case I should again garrison the castle and forts with a naval brigade, and probably request the assistance of the Governors of Lagos, Sierra Leone, and the Gambia—constituting a force of about 900 men, sufficient, in my opinion, if judiciously handled, to repel the enemy—and although I am not sanguine I believe capable of advancing even to Ashantee.

10. I mark well your Grace's instructions on this subject generally, and no rashness need be feared on my part; and I fervently hope that in the event of the enemy returning the military demonstration that we shall be enabled to make will compel him to terms which I can honourably accept, and an advance only would be the result of the “overruling necessity” to which your Grace alludes.

11. My desire and respectful advice is in favour of another regiment being sent here with all speed, because I am more and more convinced that a final blow should be struck at the power of Ashantee, where atrocities not second to those in Dahomey are perpetrated, differing only in the fact that in the former they never end, while in the latter they take place with more parade and at stated periods.

12. There is one topic to which I have not yet alluded, but it is a most important one. I believe that Colonel Conran, from his peculiar and detailed professional education, is not likely to omit the provision for the comfort and well-being of his officers and soldiers, and all the minor appliances of war; but I think it my duty to express a hope that this officer, or whoever may command, will be entrusted with the utmost latitude and discretion in his requisition upon the military authorities in the event of my requiring him to take the field.

13. I regret to perceive that your Grace is not in a position to hold out any promise of aid from Imperial funds with respect to a provision against the famine, which I now regret to state is ravaging the country, in proof of which I have to mention that the price of a bushel of Indian corn, the staple article of food, has arisen from 2s. 6d. to 13s. 6d.; and I have not the slightest prospect of being able to alleviate the distress from colonial funds.

Under these circumstances I beg most respectfully, but most urgently, to repeat my request for relief from Her Majesty's Government by the supply of even 20 tons of rice, and permission to procure, if necessary, Indian corn from Madeira, where I believe it to be plentiful.

I have, &c.

His Grace the Duke of Newcastle, K.G.,

(Signed) RICHARD PINE,  
Governor.

&c.

&c.

&c.

No. 8.

No. 8.

COPY of a DESPATCH from Governor PINE, to his Grace the Duke of  
NEWCASTLE, K.G.

(No. 98.)

Government House, Cape Coast, November 9, 1863.

(Received December 11, 1863.)

(Answered No. 116, December 23, 1863, page 16.)

(Further answered No. 123, January 30, 1864, page 16.)

MY LORD DUKE,

It is with regret that I have the honour to report that no change has taken place up to this time in the aspect of affairs between the King of Ashantee and myself. He remains silent, and I do not feel justified in making the slightest proposal until his silence is broken. I am therefore driven to the conclusion that I should be prepared for the worst, and renew my efforts for the defence of the Protectorate, and be ready at least to resist at the River Prah the incursions of the enemy.

With my experience of the past I desire to profit by it, and to make such provisions as have been found wanting.

GOLD COAST.

2. The first point to which I would call your Grace's attention is that of organizing and arming Volunteers. On the last occasion, independent of Captain Wood, to whom I referred in my Despatch No. 89, of the 9th ultimo, there were several gentlemen to whom I was deeply indebted for gratuitous services in the field, amongst whom I would name first Mr. George Blankson of Anamaboe, to whom I gave a commission as lieutenant-colonel, for the purpose of his commanding the allies when Major Cochrane ceased to do so.

Mr. Blankson is a member of the Legislative Council, and repaired to the field with the male portion of his family and a tribe of retainers, all maintained at his own cost. His influence, local knowledge, and experience rendered him singularly useful to me while in the camp of Ajimacoon, which he was the last to leave.

3. Mr. Hughes, a native gentleman of considerable influence in the district of Assin, remained for months in that district, holding in check thousands of his countrymen, keeping me continually advised on all points, and last, but not least, cheerfully at my request handing over his important command to Captain Wood, and without a murmur becoming his able assistant.

This gentleman declined to receive the slightest remuneration, taking only the expenses incurred for transport and subsistence of the hired servants who accompanied him, although I regret to state that he is far from a prosperous man.

4. When about to visit the camp of Ajimacoon, Cape Coast had been so drained of its inhabitants that my departure was rendered almost impossible for want of hammock bearers and carriers; but Mr. Finlason, a merchant here, most courteously offered me a portion of the 40 volunteers which he had embodied, clothed, and maintained at his own expense, provided I would permit him to accompany me with them as a body-guard, to which I thankfully consented. Mr. Finlason, whom I appointed a captain of volunteers, remained with me for nearly a month, placing his men entirely at my disposal, and had the advance I so desired been effected, I should have proceeded with the utmost confidence under the escort of 40 native volunteers of known courage, attired in Garibaldian costume, and making no contemptible appearance.

5. Mr. William Edmund Davidson, a native trader of this place, was captain of some 150 volunteers, who did good service, although I was compelled to refuse their very reasonable request for remuneration.

6. For the services of these gentleman I may again be in need, and I would solicit from your Grace in such case that I be permitted to grant them in future the pay and allowances due to officers of their respective local ranks, and to a limited number of their retainers the pay of soldiers, to which the colonel commanding tells me they are even now entitled, and which with your Grace's permission I should delight in paying.

7. Mr. Samuel Collins Brew, of Anamaboe, commanded a small body of volunteers, but placed himself under the immediate orders of Major Cochrane.

8. Unfortunately it is too late for me to solicit your Grace's favourable notice of the late Mr. Robert Hutchison, who, with his little band of retainers, was second to none in his desire to aid me in the defence of the Protectorate, and fell a victim to his determination to remain in the interior to the last.

I regret to state that he has left a widow and children, not independent, I fear; and I would gladly, with your Grace's permission, reimburse to the survivors the very considerable sum which I know he expended in rendering his little corps efficient.

9. The next subject to which I refer is that of the alleged facility for the supply of munitions of war to the Ashantees by means of the River Volta, which I am powerless at present to prevent, having no vessel of war at my disposal.

I take leave to refer to your Grace's Despatch No. 41, of the 23rd of February last, and my reply, on the subject of the re-occupation of the River Volta, and request that if my permanent military force is to be, as I requested, 600 men, that the Engineer officer about to arrive should be authorized to repair the Quitta Fort prior to my stationing there two officers and 100 men, which would have the effect of checking the slave trade, as well as supplies to Ashantee.

Should this measure be sanctioned it will furnish an additional argument in favour of my most urgent solicitation for the supply of a gunboat, to be attached permanently to this station, without which the defence of this extended line of coast by immediate transport of troops is impossible.

Since Commodore Wilmot's departure I have been without a man of war, otherwise I should have visited Quitta and other stations, which I have found without my reach, as the mail steamers are not available for such purposes, and scarcely even for my trips to Accra in consequence of my being forcibly detained at that station longer than convenient.



10. If ever settlements require naval aid these do; and in the opinion of Admiral Sir Baldwin Walker and Commodore Wilmot no coast requires it more. GOLD COAST.

It is true that during the pressure of the Ashantee invasion I was favoured with the utmost attention and protection by the navy, but this was at the greatest inconvenience of the officers, and to the abandonment of the immediate object of their mission—the Suppression of the Slave Trade—the whole seaboard of my extensive Government lying exactly without cruising ground, and therefore not visited unless in extremest emergency.

I submit to your Grace with much respect that Her Majesty's Government should be moved to grant, as in the River Gambia, a sum of money towards the maintenance of a ship of war to be lent to these settlements; and I calculate that such a vessel would earn, as in the Gambia, a sum sufficient, in addition to that granted from the Imperial chest, to defray all the expenses.

The great drawback to the efficient administration of this Government is the difficulty of supervision of and attention to the outstations by the Governor and his officers, which can be remedied in great measure by the plan I suggest, for without the means of prompt and ready access to all points the greatest interests are affected and the most dangerous consequences arise.

Soliciting your Grace's favourable attention to the foregoing subjects, which, I submit, are of paramount importance.

I have, &c.  
(Signed) RICHARD PINE,  
Governor.

His Grace the Duke of Newcastle, K.G.,  
&c.                      &c.                      &c.

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## No. 9.

No. 9.

COPY of a DESPATCH from Governor PINE, to his Grace the Duke of  
NEWCASTLE, K.G.

(No. 107.)                      Government House, Cape Coast, December 14, 1863.

MY LORD DUKE,

(Received January 13, 1864.)

I HAVE the honour to report the arrival of Commodore Wilmot again in these roads; and that I have requested him to place at my disposal a ship of war as a precautionary measure in the event of the troops being again obliged to take the field.

2. The Commodore has detailed the gunboat "Espoir" for the purpose, and will in a few days leave this station, promising to visit it again shortly.

I have, &c.  
(Signed) RICHARD PINE,  
Governor.

His Grace the Duke of Newcastle, K.G.,  
&c.                      &c.                      &c.

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## No. 10.

No. 10.

COPY of a DESPATCH from Governor PINE to his Grace the Duke of  
NEWCASTLE, K.G.

(No. 28.)                      Government House, Cape Coast, March 5, 1864.

MY LORD DUKE,

(Received April 22, 1864.)

I HAVE the honour to acknowledge the receipt of your Grace's Despatch, No. 121, of the 23d January last, in reply to mine, No. 104, of the 12th December 1863, on the subject of the appointment of Mr. Blanc for the organization of a system of transport, in which your Grace is pleased to point out to me the necessity of keeping down its expenditure as much as possible, and of inducing the native chiefs, so far as this can be done, to supply gratis the labourers whose services are essential for the defence of their country.

2. During my lengthened correspondence with respect to the Ashantee invasion, I did not fail to remark to your Grace upon the peculiar difficulty of procuring transport, caused mainly by the desire of every male to bear arms when they were called upon suddenly to defend their country, and when with great difficulty I persuaded the Kings and chiefs that without labour the troops must be withdrawn, it was only through the promise of regular payment and subsistence in their then half-famished condition that they were compelled, as it were, to forsake their custom of refusing work for the more dignified employment of bearing arms.

I have also adverted to the dissatisfaction and distrust generated in the minds of the natives by the proceedings of last year; and, as alleged, I fear too truly, the breaches of promise with respect to payment stipulated.

GOLD COAST.

3. The devastation of a great portion of the country, the necessity of abandoning agricultural pursuits when in camp, and the almost miraculous drought last season left the tardily-sowed soil almost unproductive, so that it has been with the greatest difficulty that a large portion of the inhabitants of the Protectorate have been enabled to struggle through the season.

4. I am bound to say that the various tribes have almost universally declared their willingness to rejoin me in my attempt to procure them redress, but have urged their inability to subsist themselves if they were again compelled to leave their farms for the field.

5. Under such circumstances, your Grace will not be surprised at the statement of my belief that the pay and allowance which Commissary Blanc offered for labour should have been one of the great inducements to the chiefs whom I called upon to allow their people to accept the stipend which would relieve their masters of the burden of their subsistence.

6. I have handed over to Mr. Blanc upwards of 500 hundred carriers who have been employed for weeks in carrying heavy burdens on their heads nearly 100 miles to the Prah; and that officer having organized and disciplined them, expresses himself as perfectly satisfied at the manner in which the work is performed, and, I must honestly confess, that the payment has been well earned.

7. In many districts it is exceedingly difficult in consequence of the late disasters for the chiefs to prepare their people for the campaign, but they have nobly responded to my call; and to such I have lent that aid, small indeed as it be amongst thousands, which your Grace has been pleased to place at my disposal.

8. I can but be mindful of the necessity of economy, but, my Lord Duke, to ask for the supply of labour gratis was an impossibility; and such did not appear to be the instruction or expectation of the Assistant Commissary-General in charge.

It may not be improper to add that the supply of Kroomen has almost entirely failed; and had it not been for the determined desire of the people of the Protectorate to oblige me, they would have had a fair pretext for demanding increased pay or even refusal of service.

9. In the Gambia and Sierra Leone there was a law by which labourers having no occupation were compelled to work under certain conditions, which was, however, subsequently repealed by order of Her Majesty's Government; but I would remind your Grace that this is not a British Colony, but a Protectorate only, and that even such a law could not be carried into effect here, and that the only penalty I could inflict would be the threat of expulsion from British protection or the abandonment of the expedition, neither of which steps do I deem opportune or feel authorized in the present crisis to adopt.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) RICHARD PINE,  
Governor.

No. 11.

No. 11.

COPY of a DESPATCH from GOVERNOR PINE to his Grace the Duke of  
NEWCASTLE, K.G.

(No. 30.)

Government House, Cape Coast, March 8, 1864.  
(Received April 22, 1864.)

MY LORD DUKE,

I HAVE the honour to acknowledge the receipt of your Grace's Despatch No. 122 of the 23rd of January last in reply to mine, No. 105 of the 12th December 1863, transmitting an ordinance to constitute a volunteer corps at the Gold Coast.

2. Your Grace is pleased to observe that it is right to encourage such native chiefs as evince their desire to fulfil their obligations towards the protecting power, but to impress upon me that the people of the protected territories ought to contribute towards the cost of their protection upon such an occasion as the present; and I am to consider and report upon the best means for raising an additional tax or taxes amongst them for military purposes.

3. The impossibility of procuring at this moment labour gratis, which I have endeavoured to prove to your Grace in my Despatch No. 28 of the 5th instant, must plead my excuse for declaring my inability to suggest and carry out any mode of taxation.



I can but agree as to the justice and propriety of the protected tribes subscribing towards not only the military but all other purposes connected with their government, civilization, and improvement; and it was with this view that, on my arrival here, I commenced and was fairly succeeding in inducing the payment of the poll tax, except in the eastern districts, especially those of Accra, where the effects of the earthquake had been felt most heavily. But when, in addition to this calamity, the fearful curse of war was added, I confess that I have neither hope nor heart to press even for a tax sanctioned by law which has so long fallen into disuse.

4. I need not remind your Grace of what had been found by my predecessors the insurmountable difficulties of levying and collecting the poll tax in peaceful times; but I may perhaps be permitted to advert again to the superadded burdens of poverty and famine, which I even yet fear may retard and impede the advance of so large a body of native allies as I could desire to see in the front.

5. As a proof of the good-will of the people I would mention the valuable and arduous task performed by them in, at my simple request, without fee or reward, cheerfully cutting roads in such directions as are required.

I am therefore led to assure your Grace that *means* not *will* fail the natives, for although compelled to say, "If we leave our homes how are we to subsist, and when we return, if at all, where shall we find the corn which we ought to have cultivated," still they add "We will follow you; if you feed us, we will go; if you can't feed us, we will go; we have promised you to obey your call day or night, and we will do so."

6. The only tax which I am preparing to impose is that alluded to in my Despatch No. 99 of the 12th November 1863 for licensing the sale of spirituous liquors, &c., which will not be felt by the natives, but the proceeds of which I have anticipated in my estimate for the revenue for the current year.

7. Should peace be restored to the Protectorate I believe that the poll tax would be paid, relieved of the ponderous and expensive machinery which surrounded it in former years. At all events I should then, without hesitation, demand and enforce the fulfilment of the obligations due to Her Majesty by a favoured and protected people.

8. With respect to any other tax, I can only refer your Grace to the proposition contained in my Despatch No 111 of the 29th November 1862 dependent upon an arrangement made between Her Majesty's Government and that of the Netherlands.

9. Unwilling as I am to revert to circumstances which I desire to forget, I cannot be blind to the unfortunate fact that the mismanagement of the military expedition of last year renders it necessary for me to deal tenderly at the present juncture with those who are the victims of the past; and in this view of the case I am confirmed by Colonel Conran, who, having now traversed a great portion of the invaded territory of last year, expresses his surprise that the invaders should have escaped unscathed as regards the military force in the field, and speaks in his Despatches to the military authorities of the human skulls and bones which at every turn he was shocked to perceive hanging to every tree as melancholy trophies of the humble efforts of our allies, although unassisted by our troops.

His Grace the Duke of Newcastle, K.G.  
&c.                      &c.                      &c.

I have, &c.  
(Signed) RICHARD PINE,  
Governor.

GOLD COAST.

## Despatches from the Secretary of State.

No. 1.

No. 1.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to  
Governor PINE.

(No. 116.)

SIR,

Downing Street, December 23, 1863.

\* Page 11.

I HAVE received your Despatch No. 98,\* of the 9th ult., in which you propose the enrolment and pay of volunteers for the defence of the British Protectorate on the Gold Coast against the Ashantees, a reimbursement to the family of the late Mr. Hutchison of the expenses he incurred in raising men for that service, and the repair and garrisoning of Fort Quitta.

† Vide House  
of Commons  
Paper No. 385  
of 1863, p. 24.

In my Despatch No. 115,† of the 21st inst., I apprised you of the application which I had made to the War Office to send an additional regiment to the Gold Coast, and I have now to inform you that four companies of the 4th West India Regiment and two or more of the 1st will shortly be despatched to the Gold Coast.

I should hope therefore that this augmentation of the force will render it unnecessary to organize and arm volunteers.

But in making the latter proposal it would have been desirable to state what amount of expense you would contemplate incurring; and the same remark applies to the compensation proposed to be granted to the family of the late Mr. Hutchison, since the propriety of granting such applications cannot be judged of when they are stated in terms so general.

You suggest in your Despatch that if the permanent military force at the Gold Coast is to be as you requested, 600 men, the Engineer officer who is to visit the Coast should be authorized to repair Quitta Fort prior to your stationing there two officers and 100 men.

It is very unlikely that the permanent peace garrison at the Gold Coast will be maintained at 600 men, or that 100 can be allotted to Quitta Fort; but I will request the War Office to direct the Engineer Officer to report upon the repair of the Fort for the accommodation of a smaller force.

With respect to your suggestion that Her Majesty's Government should be moved to grant, as in the River Gambia, a sum of money towards the maintenance of a ship of war to be lent to the settlements, I would observe that the steamer at the Gambia is not a Ship of War but only a colonial vessel, of which the cost is defrayed by the aid of a Parliamentary grant, and I can hold out no hope of any application being made to Parliament for a similar grant for the Gold Coast.

Governor Pine,  
&c. &c. &c.

I have, &c.  
(Signed) NEWCASTLE.

No. 2.

No. 2.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G. to  
Governor PINE.

(No. 123.)

SIR,

Downing Street, January 30, 1864.

WITH reference to my Despatch No. 116, of the 23rd ult., I have to inform you that at my request the Secretary of State for War has sent instructions to the Officer of Engineers who has recently gone out to the Gold Coast, to report upon the question of the repair of Fort Quitta.

Governor Pine,  
&c. &c. &c.

I have, &c.  
(Signed) NEWCASTLE.

No. 3.

No. 3.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to  
Governor PINE.

(No. 157.)

SIR,

Downing Street, June 23, 1864.

It was a source of sincere satisfaction to me to receive from Acting Governor Hackett by this mail the announcement that you were on board Her Majesty's ship



"Rattlesnake" at Lagos, and, though still unable to write, were convalescent. I shall be glad to learn from yourself that you have been completely restored to health, and have been enabled to return to your Government at Cape Coast Castle. GOLD COAST.

I cannot however but feel very doubtful whether your recovery may have been so rapid and so decided as to make this possible; and I have therefore thought it right to address this Despatch under cover to Acting Governor Hackett, and to make the necessary provision for a successor in case of his being disabled by illness during your continued absence, by sending to Lieut.-Colonel Conran a commission from Her Majesty for that purpose.

\* If you have been able to resume your duties you will have received my Despatch of May 23rd, addressed to Acting Governor Hackett, and will be aware of the instructions which, under the urgent and peculiar circumstances of the case, I felt it to be my duty to convey to him on the part of Her Majesty's Government for providing for the health and comfort of Her Majesty's forces on the Gold Coast. \* Vide Ho. Com. Paper, No. 385 of 1864, p. 25.

In that Despatch I expressed the hope which Her Majesty's Government entertain that "the display of force made during the last few months will not have been without its due effect, both on the Ashantee enemy and on the friendly native chiefs, and that the cessation of the rains may not bring with it the necessity for a renewal of warlike preparations on your part to defend yourself or the friendly native population from wanton attack."

It is, however, necessary to consider the possibility that a very opposite state of things may present itself to you at the close of the rainy season. The unfortunate circumstances of the present year may encourage the Ashantees in the design they appear to have entertained of renewing their invasion when the season for military operations shall return. I think it right, therefore, to convey to you the general views of Her Majesty's Government upon the measures which, in concert with the Officer Commanding the Forces, you should take to provide against that danger.

The duty of defending the extensive territory included in the Protectorate can only be satisfactorily discharged if the chiefs to whom it belongs are united and resolute in their own defence. If they are not united, and will not take upon themselves the principal part of the exertions necessary, it will not be possible to defend them without exposing the Queen's forces to the risks of a deadly climate, and to the hazard of being virtually defeated by the disastrous consequences of that climate, before they have been able to bring the native enemy to the issue of arms.

The proper course, therefore, is to take every possible means for bringing the chiefs to an united and decided system of defence, and for this purpose to give them advice, to supply them judiciously with military stores, and in concert with the Officer in Command of the forces to furnish them with such assistance as he may be able to afford, without exposing his officers and men to any protracted residence in the interior, especially at the unhealthy season, and without weakening his force upon the coast so as to endanger the safety of the Settlements themselves. I must repeat the caution, which I conveyed to you in my Despatch of 23rd ultimo, that you should avoid, if it be in your power, the necessity of bringing to the Settlement a number of the Queen's troops too great to be properly accommodated on the coast.

Instructions to the same effect will be sent by the Secretary of State for War to Lieut.-Colonel Conran, and I shall request the Lords Commissioners of the Admiralty to direct the attention of the Commodore on the station to the possibility that you may find yourself again engaged in measures of defence against an invasion by the King of Ashantee. Since, however, the experience of the past year has exhibited in so strong a light the great difficulties which attend operations on the part of Her Majesty's Forces, I rely on your using every exertion to avoid a renewal of the war. You have already received from the Duke of Newcastle the full expression of his approval of your conduct in respect of the origin of the late war,—I mean your refusal to surrender to a cruel death the two refugees demanded by the King of Ashantee; but that approval I now desire to repeat; and I take the opportunity of impressing upon you the great importance of your being clearly in the right in any case of difference which may hereafter arise. I trust that you will be careful to assure yourself that you are acquainted, as far as possible, with all the circumstances which may be alleged on either side, and that you will not permit yourself to become involved in any hostile operations until you shall have first exhausted every legitimate means of preserving peace.

I have, &c.

Governor Pine,  
&c., &c., &c.

(Signed) EDWARD CARDWELL.

## Correspondence between the Admiralty and the Colonial Office.

GOLD COAST.

No. 1.

No. 1.

COPY of a LETTER from W. G. ROMANE, Esq., C.B., to Sir FREDERIC ROGERS, Bart.

Admiralty, December 17, 1863.  
(Received December 18, 1863.)

SIR,

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of his Grace the Duke of Newcastle, copy of a letter dated the 14th November last, No. 195, from Commodore Wilmot to Rear-Admiral Sir Baldwin Walker, reporting his proceedings at Cape Coast Castle.

I am, &amp;c.

To Sir Frederic Rogers Bart.

(Signed) W. G. ROMANE.

Encl. in No. 1.

Enclosure in No. 1.

SIR,

"Rattlesnake," Cape Coast Castle, November 14, 1863.

I ARRIVED here from "Ascension," this day, and as the homeward packet sails to morrow morning, have only time to say that I shall remain here until correct information is obtained with regard to the intentions of the King of Ashantee.

2. It may be necessary to land the brigade of seamen again, but I shall not do this unless the Governor represents to me that such a step is advisable for the actual well being or safety of the Colony.

3. The health of the garrison has not been satisfactory, but this month and the three that follow, are the most healthy in the year.

I have, &amp;c.

(Signed) A. P. E. WILMOT,  
Commodore and Senior Officer.

Rear-Admiral Sir B. W. Walker, Bart., K.C.B.

No. 2.

No. 2.

COPY of a LETTER from W. G. ROMANE, Esq., C.B. to Sir FREDERICK ROGERS, Bart.

Admiralty, May 19, 1863.  
(Received May 21, 1863.)  
(Answered May 27, 1863.)

SIR,

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of his Grace the Duke of Newcastle, a copy of a letter dated the 14th ultimo, No. 84, from Commodore Wilmot, reporting his having landed a portion of the crews of the "Rattlesnake" and "Ranger," with guns, stores, &c., for the defence of Cape Coast Castle, the garrison having proceeded into the interior.

I am, &amp;c.

To Sir Frederick Rogers, Bart.

(Signed) W. G. ROMANE.

Encl. in No. 2.

Enclosure in No. 2.

SIR,

"Rattlesnake," Cape Coast Castle, April 14, 1863.

You will receive with this a letter relative to the state of affairs at this place, which was written on my arrival here at the beginning of the month, with the intention of leaving it to be forwarded by the homeward mail.

Since then our difficulties with the King of Ashantee have been increasing, and the Kings and chiefs under British protection have taken the field for the conflict.

My presence here has, therefore, been actually necessary for many reasons.

At a council of war held yesterday in the Castle, it was determined to take the field and form an intrenched camp about 30 miles in the interior, for the purpose of obtaining more correct information for being prepared in the event of the Ashantees being really in the country, and for giving encouragement to our friends and allies.

Rumours daily arrive of the hostile movements of the Ashantees.

It is quite impossible to find out the truth by remaining shut up in the Castle, and I quite coincided with the opinions expressed at the council of war, because I am sure they will bring matters to a crisis, and probably save a great amount of trouble, uncertainty, and expense.



C 2

GOLD COAST.

No. 3.

No. 3.

COPY of a LETTER from T. FREDERICK ELLIOT, Esq., to the SECRETARY to the ADMIRALTY.

SIR,

Downing Street, May 27, 1863.

I AM directed by the Duke of Newcastle to acknowledge the receipt of your letter of the 19th instant, with a copy of one from Commodore Wilmot, reporting his having landed a portion of the crews of the "Rattlesnake" and "Ranger," with guns and stores for the defence of Cape Coast Castle at the Gold Coast.

I am, &amp;c.

The Secretary to the Admiralty,

(Signed) T. FREDK. ELLIOT.

No. 4.

No. 4.

COPY of a LETTER from W. G. ROMAINE, Esq., C.B., to SIR FREDERIC ROGERS, Bart.

Admiralty, May 18, 1863.

(Received May 22, 1863.)

(Answered May 30, 1863.)

SIR,

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Her Majesty's Secretary of State for the Colonies, a copy of a letter dated the 1st April, No. 77, from Commodore Wilmot, relative to the unsettled state of affairs at Cape Coast Castle, in consequence of an anticipated invasion of the Colony by the forces of the King of Ashantee.

I am, &amp;c.

Sir Frederic Rogers, Bart.

(Signed) W. G. ROMAINE.

Encl. in No. 4.

Enclosure in No. 4.

SIR,

"Rattlesnake," Cape Coast Castle, 7th April 1863.

I ARRIVED at this anchorage on the night of the 29th March, and found the "Lee" here, which vessel I had placed at the disposal of the Governor for a period of three weeks after completing her defects at Fernando Po.

Everything is in a very unsettled state, in consequence of rumours having reached the Government that soldiers of the King of Ashantee had crossed the frontier line and committed depredations on the villages and people in our territory.

I will endeavour to explain the cause of this hostile aggression on the part of the King. Some weeks ago one of the King's subjects, who holds the rank of captain or some position of this kind, ran away from Ashantee and came to Cape Coast Castle; he said that his life was in danger, and that the King wanted his wives and his property, and that he had committed no crime deserving of death.

When the King heard that he was here, he sent word to the Governor that he must be given up, and accused him of having in his possession a piece of gold, which, by the laws of Ashantee, is royal property.

The Governor enquired into the case and sent to the King to say that the man denied the crime attached to him, that he did not possess any of the King's property and that his saying so was merely a pretext to get him into his power.

The Governor replied to the King's demand again by repeating the man's statement and saying that if the King could and would prove anything against him showing that he had broken the laws of his country, he would give the man up, but not otherwise. The King said he would send down some one to prove the charge.

Some further correspondence passed on the subject, rather angry on the King's part, who alluded to treaties entered into some years ago by Governor Maclean to the effect that all his subjects were to be sent back to Ashantee. He also told the Governor he was a bad man and that if anything happened it would be his fault.

The Governor replied, he did not keep the man, nor did he forbid his returning to his country if he liked it; on the contrary he wanted him to go, but the man objected to going and said, "Take my head off here if you choose, but do not send me back to the King, who will cruelly murder me."

The Governor, under all circumstances of the case, could not possibly send him back, as he had claimed British protection, and the man had not forfeited that protection by the committal of crimes against his King or country.

I found matters in a very uncertain and uncomfortable state, the Governor's last letter to the King being unanswered, the tenor of this letter being that "if the King could establish any crime against this unfortunate man he should be prepared to send him back."

No reply had been received to this very reasonable proposal, but rumours were daily arriving of the Ashantee armies having crossed the frontier line—the river.

It is understood by treaty that if this river is passed by either side with arms in their hands it is a declaration of hostilities.



This uncertainty has been prolonged for more than a month, and the day after my arrival a council was held, consisting of every merchant and influential man in the place, for the purpose of receiving opinions as to the line of conduct to be adopted. GOLD COAST.

I must remark that no message has been sent by the King to say that he has declared war against the English, nor official intimation given of any kind. All has been mere rumour, although people have arrived at Cape Coast Castle, who state that they have seen portions of the Ashantee army in our territory, and that villages had been burnt and muskets fired with hostile intent; whether these are worthy of belief I know not.

Opinions differed considerably; some said the King of Ashantee knew nothing of these marauding parties, that he was a peaceful man, and surely would not go to war with the English without telling them first. Others said that these depredations were committed by parties of men who had sworn the "King's oath," which obliges them to do whatever in the excitement of the moment they swear they will do, on pain of death.

Some believe that the Ashantee Monarch was not to be trusted, others that he was, many believed that he had permitted his people to cross the river, but still all was doubt and uncertainty.

My opinions were asked and freely given. I said, "Anything is better than this uncertainty; if you believe the rumour that the King's soldiers have passed the river and committed these unfriendly acts, despatch immediately a trustworthy messenger to the King and ask him why he permits this, and what he means by such conduct—ask him in plain terms if this is to be considered a declaration of war, and give him a certain time for the messenger to return. Should the messenger not return on the specified day, instantly form a camp in the country, call the tribes around you, and drive the rascals back again. Do not live in this uncertainty, which is worse than actual war, but find out at once what steps you are to take."

The Governor thought that his dignity would suffer if he at that late hour sent a messenger to the King; so did many of the blacks, who said, "The King will think we are afraid of him," and other nonsense of this kind.

I placed before him the great objections the English Government would have in entering upon a war with the King of Ashantee at any time, much more at the present moment: that their responsibilities would be very great, and who could see the end of such a war with one of the greatest Kings of Africa?

Probably he would be joined by Dahomey and the Kings in the neighbourhood of Lagos and other places, who were always ready (urged on by Europeans adverse to English influence in Western Africa) to take up arms and keep us in a constant state of disquietude and alarm.

I showed what the expense would be, the probable loss of life, the destruction of trade; and that, whatever the result might be, the future of this Colony must be greatly retarded.

I implored them to do all in their power, compatible with the honour of England and a sense of justice to those who claimed our protection, to avoid a war if possible, and at all events not to commence hostilities with their eyes shut, before they had communicated with the King of Ashantee, and found out what his intentions were.

In the meantime I recommended preparations of every kind, and that arms, ammunition, &c., should be got ready with all despatch.

These remarks seemed to strike them very much, but I am sorry to say that some of the blacks pressed for immediate warlike measures, and that the Governor should take a forward part.

These gentlemen do not understand what the effects of a war with Ashantee must be, the nature of the enemy with whom they will have to deal, nor the reasons why we should avoid a war at this time.

I hear that the river has been crossed by *three* armies of more than 20,000 each, and that these armies have large supports attached to them. I do hope that the councils of the Governor will be guided by a spirit of calmness, justice, and moderation, and that he will not consider the honour of our country in any way degraded by doing all in his power, with a due regard to his own position and England's greatness, to avoid a war that, whether he is victorious or not, must entail miseries upon the Colony that a long series of years will not efface.

I gave as my opinion that the messenger ought to have been sent at a reasonable time after the Governor's last letter had been received by the King, and that, if this had been done, the present uncertainty could not have prevailed, and much important time would have been saved and gained by the Government.

I must state as my opinion, from having witnessed the strength of the Dahomian armies, whose numbers have been much exaggerated, that the Ashantee armies (if really in the field) have been greatly magnified also.

The strength of the garrison of the Colony is only 350 men, of the 2nd and 3rd West India Regiments, a force sufficient to defend the Castle, but totally inadequate to meet any great emergency.

Amongst other reports it is said the King knows nothing of this movement; while others say that he was hard pressed by his chiefs, and reluctantly gave his consent for his people to pass the line. Again, some of the English merchants here say that the tribes on the confines of our territory are very anxious for us to be drawn into a war with Ashantee for their own purposes, and that the Governor ought to be very cautious in believing all the stories that come to him.

I have, &c.

(Signed) A. P. EARDLEY WILMOT,  
Commodore and Senior Officer.

Rear-Admiral Sir B. Walker, Bart., K.C.B.

P. S.—Since writing the above I have discovered that this man left Ashantee several years ago, bringing with him some 800 men. He has remained in our territory ever since.

It is only lately, as mentioned above, that the King has made this a subject of complaint, and demanded that he shall be given up to him.

GOLD COAST.

No. 5.

No. 5.

COPY of a LETTER from T. FREDERICK ELLIOT, Esq., to the SECRETARY to the ADMIRALTY.

SIR,

Downing Street, May 30, 1863.

I AM directed by the Duke of Newcastle to acknowledge the receipt of your letter of the 18th inst., with a copy of a communication from Commodore Wilmot, respecting the unsettled state of affairs at Cape Coast Castle, in consequence of an anticipated invasion of the Colony of the Gold Coast by the forces of the King of Ashantee.

I am, &amp;c.

The Secretary to the Admiralty.

(Signed) T. F. ELLIOT.

No. 6.

No. 6.

COPY of a LETTER from Lord C. PAGET to Sir FREDERIC ROGERS, Bart.

SIR,

Admiralty, June 11, 1863.

(Received June 13, 1863.)

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of the Duke of Newcastle, an extract of a letter dated the 30th April last, No. 92, from Commodore Wilmot, reporting the state of affairs at Cape Coast Castle and at Accra.

I am, &amp;c.

Sir Frederic Rogers, Bart.

(Signed) C. PAGET.

Encl. in No. 6.

Enclosure in No. 6.

SIR,

"Rattlesnake," Lagos, April 20, 1863.

My last letter of proceedings was from Cape Coast Castle, dated the 14th instant, No. 84, in which I informed you that I had considered it necessary to land a considerable number of men for the protection of that Colony.

Everything has been done to provide for their health and comfort, and I am happy to inform you that the behaviour of the men generally has been very praiseworthy; they have exerted themselves most creditably in finishing the earth-works and in otherwise preparing to meet the Ashantees should they advance in this direction.

I left on the afternoon of the 24th instant for Annamaboe, distant 10 miles, at which place we have a strong fort, armed with guns of much the same description as at Cape Coast Castle. I strongly recommend that efficient guns should be *immediately* sent out to this fort also. It is from this direction that the Ashantees will make their advance on Cape Coast Castle, and it is most important that the strength of this position should be secured.

Everything is in great confusion and disorder in the fort, and great repairs are necessary, and I cannot help observing, for their Lordships' information, that very little attention seems to have been paid for years past to the good order and efficient state of the forts and castles in our possession on the Coast.

I am quite certain that, had the Ashantees made a determined push two months ago towards the seaside, they would have captured all our forts and desolated the country.

The troops were detained several days from want of the means of transport. There are no regulations, nor are there any laws, which can compel natives to lend their assistance when required for the purpose of carrying stores, ammunition, &c. in the field, without which the soldiers cannot move. Everything must be done in this country by manual labour; there are no horses nor cattle trained or fitted for draught purposes.

It does appear astonishing that such great difficulties should exist in a Colony that has been in our possession since the year 1672. Even now the services of women have been eagerly sought and paid for.

What our troops will do accompanied by such a motley and uncertain set it is hard to say, the more so, as I certainly have not that confidence in the valour of the West India regiments which they ought to inspire.

The Ashantee armies are still in the field closing nearer, and they have sworn the "King's oath" to reach the sea at all hazards.

They are supposed to be about two days' journey from Annamaboe, or 40 miles. Major Cochrane, with his men and a considerable body of natives, are between them and Annamaboe. He was obliged to leave his field guns behind from want of men to transport them, and has only taken rockets.

I have ordered the "Brisk" to Cape Coast Castle, there to remain until she is relieved from England or until hostilities cease. Upon her arrival, the "Ranger" will proceed to resume her cruising duties. Annamaboe has been supplied by me with 2,000 lbs. of pork and 1,000 lbs. of biscuit, in order that they may be prepared for all emergencies.

I left this place on the evening of the 26th, and anchored off Accra the following morning. The French steamer "L'Etoile" was laying there, and sailed the same afternoon for Whydah.



I landed at Accra and inspected the fort, which is in a most wretched state, partly from the effects of the late earthquake and partly from neglect and exposure. GOLD COAST.

The guns and carriages are useless; and if our possessions on this coast are to be maintained in security, it is absolutely necessary that immediate steps should be taken to repair the forts, &c., and put things into proper order.

I am quite certain that the moral effects caused by the ruined state of everything out here has a tendency to depreciate the power, will, and character of the British Government in the eyes and minds of the natives, who think we are indifferent as to their interests and unable to protect them.

I visited the Dutch Commandant, Captain Whyting, in his fort, which has been also much shaken by the earthquake.

I cannot help remarking upon the state of apathy and supineness which exists amongst the natives upon all occasions where their own benefit and well-being are concerned. They do not seem to care for anything, except their own personal wants, nor are they at all willing to lend their services, even for payment, to assist in doing the most trifling things for the public good.

I cannot understand this indifference. It may be from their natural laziness and inertness of character, or it may have arisen from the bad example of Europeans, who have been placed over them for ages past, and who have never shown that energy of character, nor disposition to improve and befriend them, so essentially necessary for the exaltation of the African race. The consequences of this neglect are melancholy to observe, and one almost comes to the conclusion that the people are scarcely worth a moment's consideration, and that they are destined never to rise above a certain degree of civilization. —“Sufficient for the day is the evil thereof.”

\* \* \* \* \*

Rear-Admiral Sir B. W. Walker Bart., K.C.B.,  
Commanding-in-Chief.

No. 7.

No. 7.

COPY of a LETTER from Lord C. PAGET to Sir F. ROGERS, Bart.

Admiralty, July 13, 1863.

(Received July 15, 1863.)

SIR,

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of the Duke of Newcastle, a copy of a letter of the 23rd May, No. 93, from Commodore Wilmot, reporting on the present state of affairs at Cape Coast Castle.

I am, &c.

(Signed) C. PAGET.

Sir Frederic Rogers, Bart.,  
Colonial Office.

Enclosure in No. 7.

(No. 93.)

Encl. in No. 7.

SIR,

“Rattlesnake,” Lagos, May 23, 1863.

SINCE my last letter from this anchorage I have been to Abbeokuta at the request of the Acting Governor, missionaries, merchants, &c., an account of which place with my proceedings will accompany this letter.

I sail to-morrow afternoon for Cape Lopez and the South Coast, intending to return to Cape Coast Castle, if possible, in July. I have every reason to be satisfied with the conduct of my officers and men in garrison at Cape Coast Castle. There is no sickness, and Commander De Wahl reports that the works thrown up by my directions have been highly approved of by the Engineer officer who has lately arrived.

A reinforcement of soldiers has been sent from the Gambia, and if the Commanding Officer of the troops now in the field will only act with vigour and judgment, I am quite certain that the Ashantee King will very soon be brought to terms, and that the future peace of the Colony will be secured. I enclose the last report of Commander Wratishaw of the “Ranger,” then senior officer, which contains a great deal of information.

I have, &c.

(Signed)

A. P. EARDLEY WILMOT,  
Commodore and Senior Officer.

Rear-Admiral Sir B. Walker, K.C.B.,  
Commanding-in-Chief.

SIR,

H.M. Steam Sloop “Ranger,” Cape Coast, May 17, 1863.

H.M.S. “Brisk” not having yet arrived, I have the honour to report by the mail steamer “Armenian” according to your orders, the proceedings of H.M. steam vessel under my command up to the present date, also the progress of the war with the Ashantees, as far as I have been able to obtain information. Commander De Wahl will inform you of the behaviour of the men under his command, also the progress of the works. The men are living at Barnes’ and Conors’ Hill, where I have visited them; they are comfortably housed; rains have not yet commenced, although the 15th is the time they are expected.

## GOLD COAST.

After the departure of your flag ship I made, at the request of his Excellency the Governor, 40 haversacks out of duck for the use of the Gold Coast people under Captain Wood.

On the 4th, on a requisition from his Excellency the Governor, I received on board ammunition and provisions for Salt Pond and Winebah, leaving the same afternoon; after landing the stores at the above-named places, I went on to Accra, embarked all the remaining soldiers there, landing them at Winebah on my return. I purchased at Accra 12 bullocks for the use of the men landed and brought them up in this vessel, fresh meat being very dear and seldom to be obtained at Cape Coast Castle. I returned to Cape Coast Castle on the 8th, where I have since remained. Weighing on the 4th, I hove up the "Lee's" anchor with 19 fathoms of main on it, a round turn round the flue with the cable of this ship at the third shackle in  $5\frac{1}{2}$  fathoms. Bearings, flag staff in Elimina Fort N. 75 W., Light House, N. 11 W.

The anchor is on board this ship. May 12th, H.M.S. "Dart" arrived with the colonial steamer "Dover" in tow, having on board 180 soldiers of the 3rd West Indian Regiment, provisions, ammunition and a field-piece from H.M.S. "Brisk."

All the soldiers disembarked except one subaltern and 46 soldiers, who remained on board the "Dart" to be landed at Accra, that place being quite denuded of troops, and the Ashantees edging that way. I regret to say that two soldiers were drowned owing to a canoe capsizing in the surf, which was unfortunately bad at that time, and the canoe chiefly manned by boys.

The mail steamer arrived on the 13th. On the representation of Commander Richards, of H. M. S. "Dart," that it was urgent the colonial steamer "Dover" should return to the Gambia, as it was very possible trouble might arise from so many troops being sent away; she not being able to reach Sierra Leone without assistance, I, after communicating with his Excellency the Governor, directed the captain of the "Armenian," to tow her 100 miles beyond Cape Palmas.

H. M. S. "Dart" left this on the 18th, to take up cruising ground, according to your orders, between Whydah and Grand Popo, calling at Winebah to land provisions, and at Accra the soldiers before mentioned.

The "Dart," having towed the "Dover" to this place, had, on leaving this, only 18 tons of coal on board, but having heard that the steamer for slaves, mentioned in your memorandum of the 7th, was expected immediately, I sent her to her cruising ground, supposing the "Philomel" might be shortly expected to relieve her; should such not be the case, I respectfully request, Sir, she may be ordered to Fernando Po, to complete, the coals on board being very inferior.

The troops under Major Cochrane have not yet fought with the Ashantees. Captain Brownell, who I believe was detached to Gomoah before your departure to assist the allies there, with Captain Williams and his company, sent to supersede the former, making about 120 regulars and 9,000 allies, came up with the Ashantees, supposed numbers 20,000, at Swadroo, but the latter retreated without fighting, as did also Captain Williams. Major Cochrane is now at Abridin, according to a letter from him dated 13th May, received by his Excellency yesterday, and shown to me; he states that all his carriers had run away, that he had heard heavy firing, and had detached Captain Williams, with all the soldiers belonging to his regiment towards it, without a guide and without provisions (no carriers), and asks his Excellency to sanction his returning to the sea coast, being unable to get up provisions; proposing at the same time to divide his force into three parts, covering Salt Pond, Winebah, and Mumford. His Excellency has positively forbid him to retire, and I think will proceed to the camp himself to ascertain how matters are, for there is great dissatisfaction there and elsewhere at nothing having yet been done by the force under his command.

The firing must have been at Bobbicoomah, for, according to a letter from the King of that place, he asked Major Cochrane, before he left them, not to go, or at any rate to give him some assistance with rockets, and he was refused everything, stating that directly the force of regulars were withdrawn the Ashantees would attack him. Such seems to have been the case; the Ashantees did attack him, killed 141, and in the King's letter eight companies were "left in the dark bushes." The expression I do not understand.

A letter from Major Wood states that the King of Bobbicoomah has written to him for assistance, and he intended to go there himself without delay. He has a force at Mansuce of about 20,000 men. 900 men of this force drove a body of Ashantees up to and across the Orah, killing a good number; also a man who appeared of some note on the other side of the river.

I enclose, Sir, a copy of the map of the country forwarded to his Excellency by Major Cochrane, supposed to be correct; the dotted lines show the Major's route.

Since writing the above, information has been received that Captain Williams, who was detached from the main forces, is now at Agreumakoo with about 180 men, expecting a fight with the Ashantees. Major Cochrane was by last accounts at Swadroo.

Captain Hardy and 180 men, who arrived by the "Dover," remain here waiting the Major's orders. Lieutenant Goldin of the Royal Engineers having arrived by this steamer to inspect the forts on the Gold Coast and report upon them, I asked him to accompany Commander De Walh and myself to look at the earth-works thrown up by your directions. He considers them very good, and only spoke about the bush being cleared away, which is being done.

On board the mail are Signor Madrin and Pereira, and, I hear, with about 300,000 dollars on board.

I enclose two copies of the map of the country, No. 2, supposed to be the correct one.

I have, &c.

Commander A. P. E. Wilmot, C.B.,  
H.M.S. "Rattlesnake."

(Signed) H. WRATISLAW, Commander.



No. 8.

GOLD COAST.

COPY of a LETTER from T. FREDERICK ELLIOT, Esq., to the SECRETARY to the ADMIRALTY.

No. 8.

SIR,

Downing Street, July 23, 1863.

WITH reference to your letter of the 13th instant, with its enclosures, describing the present state of affairs at the Gold Coast, and reporting the general dissatisfaction expressed in that Colony as to the want of energy hitherto shown by Major Cochrane in command of the force assembled to repel the Ashantees, I am desired to transmit to you, for the information of the Lords Commissioners of the Admiralty, a copy of a letter from this Department to the War Office, and of their reply, by which their Lordships will perceive that Major Cochrane has been superseded in his command by Lieutenant-Colonel North, who will, as soon as possible, take his departure for the Gold Coast.

I am, &amp;c.

The Secretary to the Admiralty. (Signed) T. FREDERICK ELLIOT.

Colonial Office,  
July 16, 1863.  
War Office in  
reply, July 17,  
1863.

Enclosure 1 in No. 8.

SIR,

Downing Street, July 16, 1863.

Encl. 1 in No. 8.

I AM directed by the Duke of Newcastle to transmit to you, for the consideration of Earl de Grey, a copy of a Despatch from the Governor of the Gold Coast relative to the Ashantee invasion and the defence of the Protectorate; and I am to request that you will call his Lordship's attention to the unsatisfactory manner in which the military operations have been conducted under Major Cochrane, and to suggest whether the urgency of the case does not demand that the best officer upon the West Coast of Africa, if not one sent specially from this country, should be appointed to assume the command of the forces on the Gold Coast.

Under Secretary of State, War Office.

I am, &c.  
(Signed) T. F. ELLIOT.

Enclosure 2 in No. 8.

SIR,

War Office, July 17, 1863.

Encl. 2 in No. 8.

I HAVE laid before the Secretary of State for War, your letter of the 16th instant, together with its enclosure, from the Governor of the Gold Coast, in which he calls attention to the unsatisfactory manner in which the military operations against the Ashantees have been conducted by Major Cochrane.

In reply I am to request that you will acquaint the Duke of Newcastle that Brevet Lieutenant-Colonel North, Major of the 60th Rifles, an officer of experience and long standing, is about to be recommended to Her Majesty for promotion to a lieutenant-colonelcy in the 3rd West India Regiment with a view to his proceeding to the Gold Coast, and taking the command of the troops in that settlement.

Lieutenant-Colonel North will probably embark by the mail of the 23rd instant.

T. F. Elliot, Esq.

I have, &c.  
(signed) J. CROFTON, Major-General.  
In absence of Sir E. Lugard.

No. 9.

No. 9.

COPY of a LETTER from Lord C. PAGET to Sir FREDERIC ROGERS, Bart.

SIR,

Admiralty, July 22, 1863.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of his Grace the Duke of Newcastle, a plan of the country in the neighbourhood of Cape Coast Castle received from Commodore Wilmot, and showing the operations in the interior.

Plan of  
Operations.

Sir Frederic Rogers, Bart.,  
Colonial Office.

I am, &c.  
(Signed) C. PAGET.

No. 10.

No. 10.

COPY of a LETTER from W. G. ROMAINE, Esq., C.B., to the UNDER SECRETARY of STATE for the COLONIES.

SIR,

Admiralty, September 16, 1863.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of his Grace the Duke of Newcastle, a copy of a letter

D

**GOLD COAST.** dated the 14th ultimo, No. 133, from Commodore Wilmot to Rear Admiral Sir Baldwin Walker, reporting the state of affairs at Cape Coast Castle, and the entire failure of the expeditionary force under the command of Major Cochrane, in effecting anything against the Ashantees.

A copy of Commodore Wilmot's letter has also been sent to the War Department.

The Under Secretary of State  
for the Colonies.

I am, &c.

(Signed) W. G. ROMAINE.

Encl. in No. 10.

Enclosure in No. 10.

SIR,

"Rattlesnake," Cape Coast Castle, August 14, 1863.

I LEFT Ascension on the evening of the 31st July, and arrived off this place on the 10th inst., having made the passage under sail.

2. Her Majesty's ship "Archer" was at anchor as well as the "Samson" freight ship, which Captain Bythesea had nearly cleared of Government stores.

3. I found the officers and men belonging to this ship in excellent health and condition, and the out-works thrown out by my direction in a most complete state.

4. It is with the greatest pleasure and satisfaction that I bring before your favourable notice the extreme zeal and exertions of both officers and men in throwing up these works, which reflect the highest credit on them in every way. I consider them quite safe from an attack by the Ashantees, and they will add to the future security of the Colony.

5. I have also to bring before your notice the excellent conduct of every one belonging to the navy in the garrison, and I am sure you will have great satisfaction at hearing the following opinions from his Excellency the Governor, as well as Captains Luce and Bythesea.

6. The Governor says, "Nothing can exceed the good conduct of your men. I do not know what I should have done without them. Their attention, their zeal, their spirit, has been surprising." Captain Luce says in a letter to me, "Their behaviour has been wonderfully good, and together with the excellent state of discipline maintained by the officers, reflects very great credit not only on themselves and their ship, but on the whole naval service."

7. Captain Bythesea speaks in the same strain, and is very proud of their conduct.

8. It has been a source of great satisfaction to me that so little sickness has occurred, which may be attributed to the rains this year having been scarcely felt, as well as to the unceasing attention and kindness of the Governor, who has spared no trouble to make them comfortable.

9. I am very sorry to have to report the entire failure of the expeditionary force under the command of Major Cochrane, in doing anything towards either meeting the Ashantees in the field, or assisting the allied Kings and chiefs to do so.

10. The entire military force was placed at the disposal of the commanding officer for this purpose, and it was on this account alone that I offered to garrison the Castle and defend the neighbourhood.

11. The season has been a most wonderful one, with scarcely any rain and very cool. Every advantage has been given to the commanding officer for field operations as far as the weather was concerned, and the Kings and chiefs under our Protectorate were ready for advancing.

12. I am sorry to say however that all these advantages have been thrown away, but, far worse, the "prestige" of our support has been lost, and the British power brought into contempt.

13. It will be for the Government to enquire into the cause of this inaction, and I feel very deeply the humiliation we have suffered in consequence.

14. I am quite certain that if a proper spirit had been shown at the commencement and carried out with zeal, energy, and determination that the capital of the Ashantee King would have been ere now in possession of the British troops.

15. It is well known that the Ashantee armies are, and always have been, averse to meeting disciplined men in the field, and prefer the bush fighting against their own countrymen.

16. With prudence, precaution, quickness of movement, and attention to the commissariat, there can be no reason why the troops should have returned without effecting some good.

17. I will not enter further on this distressing subject than to say in my humble opinion no successful issue will be obtained, and no honour gained to the Crown unless there are efficient officers sent out here at once to command and lead on the troops. Party feeling and spirit, with utter incapacity, seem to be the order of the day, and the Governor is not supported in the way that his ability, zeal, and great attention deserve.

18. I mention these circumstances to you from what I see, and from what I hear.

19. As the enemy have withdrawn for the present into their own territory, and are not likely to return until November, I shall embark my men probably to-morrow (the 15th), leaving the batteries fully armed, until their services are required again, or until I find that the guns landed from this ship are no longer required.

20. I shall then proceed to Lagos, the South Coast, and finally to St. Helena, for the refreshment of those who have been landed here.

21. The "Archer" will leave for Ascension in a few days, and afterwards relieve the "Zebra;" as senior officer on the South Coast, Commander Hoskins will take Captain Bythesea's place in the Bights.

22. The "Ranger" will call at Ascension on her way to England, as I require the services of Commander Wratislaw at a Court Martial, which I have ordered on board the "Meander."

23. The "Brisk" left for England on the 9th June.

24. The "Samson" freight ship has been cleared of everything for Cape Coast Castle and Annamboo, and proceeded on the night of the 12th instant to Dix Cove to disembark the remainder of the stores. I have every reason to be satisfied with the arrangements made on board the "Samson," whose condition is excellent, and whose master, Mr. Hough, is a very superior man.



*Addenda* 1. I have heard that Major Burton, our Consul at Fernando Po, has been appointed by the Government to proceed on a mission to the King of Dahomey. You may be assured he will receive every assistance from me, and I hope to land him at Whydah with due honours, according to the importance of his mission. GOLD COAST.

2. I believe the boundary line between Porto Novo and Lagos has been satisfactorily settled by French and English Commissions appointed on the spot for the purpose.

3. As far as I can learn, all is quiet at Abbeokuta and Lagos.

I have, &c.

(Signed) A. P. E. WILMOT,  
Commodore and Senior Officer.

Rear-Admiral Sir B. Walker, Bart.

No. 11.

No. 11.

COPY of a LETTER from Sir FREDERIC ROGERS, Bart., to the SECRETARY to the ADMIRALTY.

SIR,

Downing Street, September 29, 1863.

I AM directed by the Duke of Newcastle to acknowledge the receipt of your letter of the 16th inst., enclosing the copy of a letter from Commodore Wilmot on the subject of the state of affairs at Cape Coast Castle, and the failure of the expedition under the command of Major Cochrane.

I am, &c.

The Secretary to the Admiralty. (Signed) FREDERIC ROGERS.

No. 12.

No. 12.

COPY of a LETTER from Lord C. PAGET to Sir FREDERIC ROGERS, Bart.

Admiralty, January 13, 1864.

(Received Jan 16, 1864.)

SIR,

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of his Grace the Duke of Newcastle, a copy of a letter from Commodore Wilmot, dated the 22nd November, No. 211, relative to the re-occupation of Quittah, in the Bight of Benin.

I am, &c.

Sir Frederic Rogers, Bart. (Signed) C. PAGET.

Enclosure in No. 12.

Encl. in No. 12.

SIR,

"Rattlesnake," Whydah, November 22, 1863.

I HAVE omitted, amongst the numerous propositions that have been presented to your notice since my arrival on the coast, to mention the importance of "Quittah" as a military station, not only as connected with the abolition of the Slave Trade, but as bearing on the general well being and civilization of the country.

While at anchor off Jellah Coffee, in November 1862 and 1863, I visited "Quittah," both of which visits are interesting from the fact of my having, on this last occasion, walked over the same ground that in the previous year I had poled over in a canoe, the Lagoon being at that time full of water.

During the six years that the German Missionary Roltman, has resided at "Quittah," this has happened only three times, and it is the result of the want of the usual rains, which causes the River Volta to overflow and cover the country with its superfluous waters.

When this is not the case the Volta becomes comparatively dry, and a portion of the water from the Lagoon is drawn into it in consequence.

The land that thus becomes bare is hard and incrustured with salt, and is soon covered with weeds and grass.

The country people make great use of the pathways that are thus made by them in all directions for traffic, and long lines of men, women, and children, mostly women, who are the regular carriers of all "Western Africa," are seen like ants wending their way silently and quickly along, rank and file fashion, with heavy loads upon their heads, until they are lost in the distance of many miles.

The waters of the Lagoon are shallow, and the natives catch a great many small fish, which they dry and send to market.

I have no doubt that these Lagoons are made use of for slave-dealing purposes, and that slaves are conveyed in canoes from one part of the country to another, principally to the neighbourhood of "Aghwey" and "Great Popo;" indeed, I am certain of it from information obtained at the German mission and elsewhere.

Senor Lucia, who died about nine months ago, resided about two miles to the eastward of "Quittah," and it is well known that he was largely engaged in this traffic.

It is to establish a check on these proceedings for the future, and to endeavour to prevent these slave-dealing practices from being carried on, that I earnestly recommend the re-occupation of "Quittah Fort" with a sufficient force to produce the effect desired.

E

GOLD COAST.

The presence of such a protecting power cannot fail to impress on the minds of the neighbouring Kings and chiefs our determination to put a stop to this abominable traffic, and will make them very cautious in their dealings with any white men who may be induced to take the place of Senor Lucia on this part of the coast.

In addition to the military occupation of Quittah, I would propose that a regular organized body of intelligent natives should be taken into our pay, whose principal duty would be to watch the Lagoons in their canoes, and report to the officer in charge of "Quittah" the result of their observations. These should be a secret body if possible, comprising about 20 men, and I do not see any difficulty in carrying this out.

Whether it would be advisable to arm them is a question that can hereafter be considered.

I think that six heavy guns for the walls, and two light field-pieces for other service, will be quite sufficient for the defence of "Quittah."

The fort at present will require some repairs before it can be occupied, but this can be quickly done if the Government determine to do so.

The services of a cruizer on this part of the station could be sometimes dispensed with, and she would be more useful off "Aghwey" if "Quittah" was again in our hands.

Rear-Admiral Sir B. Walker, Bart., K.C.B.,  
Commanding-in-Chief.

I have, &c.  
(Signed) A. P. EARDLEY WILMOT,  
Commodore.

No. 13.

No. 13.

COPY of a LETTTR from T. FREDERICK ELLIOT, Esq., to the SECRETARY to the  
ADMIRALTY.

SIR,

Downing Street, January 19, 1864.

I AM directed by the Duke of Newcastle to transmit to you, for the information of the Lords Commissioners of the Admiralty, the copy of a Despatch from the Governor of the Gold Coast, announcing the arrival of Commodore Wilmot, and stating that he had placed the gun-boat "Espoir" at the disposal of Mr. Pine.

I am, &amp;c.

The Secretary to the Admiralty.

(Signed) T. FREDERICK ELLIOT.

No. 14.

No. 14.

COPY of a LETTER from W. G. ROMAINE, Esq., C.B., to the UNDER SECRETARY  
of STATE for the COLONIES.

Admiralty, February 22, 1864.

(Received February 23, 1864.)

SIR,

I AM commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that Commodore Wilmot, in a letter dated the 21st ultimo, reports that the "Zebra" was at Cape Coast Castle, and that he heard that a portion of the troops had marched into the interior, no fighting having occurred.

I am, &amp;c.

The Under Secretary of State  
for the Colonies.

(Signed) W. G. ROMAINE.

No. 15.

No. 15.

COPY of a LETTER from W. G. ROMAINE, Esq., to the Right Honourable  
CHICHESTER FORTESCUE, M.P.

Admiralty, May 12, 1864.

(Received May 13, 1864.)

SIR,

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Mr. Secretary Cardwell, an extract of a letter of the 4th April, No. 79, from Commodore Wilmot, reporting the withdrawal of the troops from the neighbourhood of the Prah until the reinforcements arrive.

I am, &amp;c.

The Right Honourable  
Chichester Fortescue, M.P.

(Signed) W. G. ROMAINE.



(Extract.)

Enclosure in No. 15.

GOLD COAST.

Encl. in No. 15.

H.M.S. "Rattlesnake," Cape Coast Castle.  
4. The troops, with the exception of about 200 to guard the provisions, &c., are to be withdrawn from the neighbourhood of the Prah, until the reinforcements arrive, and the rains are over. The men are in good health, but the officers are sickly.

The "Tamar," has been long expected, and the re-inforcements she brings might probably have accelerated the movements of the troops across the Peah.

(Signed) A. P. EARDLEY WILMOT,  
Commodore.

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# PLAN

TO ACCOMPANY

## FURTHER PAPERS

RELATING TO

# MILITARY OPERATIONS ON THE GOLD COAST.

*(To face page 25.)*

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Presented to both Houses of Parliament by Command of Her Majesty.

*June 1864.*

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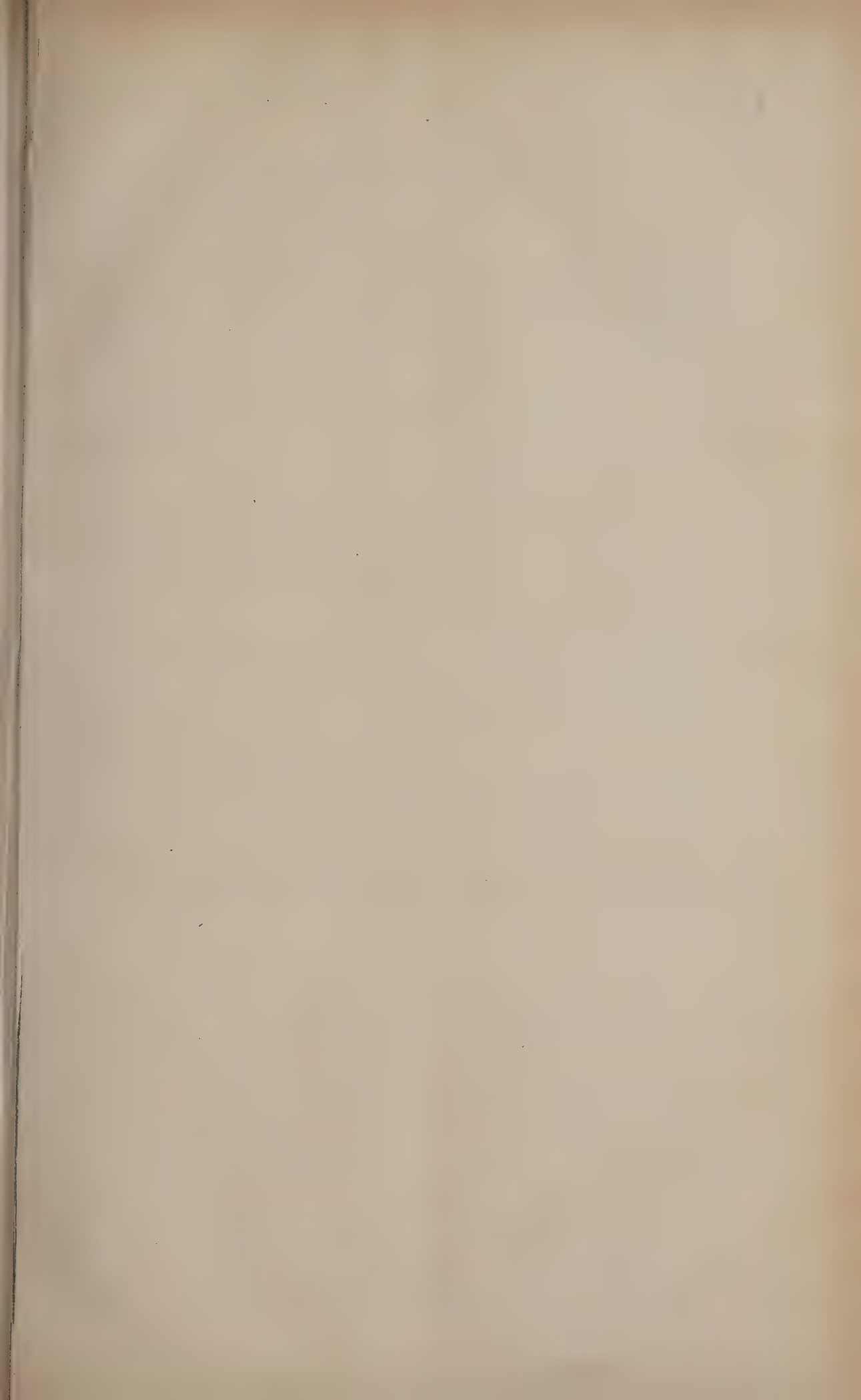
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SUGAR DUTIES (MAURITIUS).

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RETURN to an Address of the Honourable The House of Commons,  
dated 1 March 1864;—for,

“ COPY of DESPATCH from the Governor of the *Mauritius* to the Secretary of State for the Colonies, covering a MEMORIAL from the Chambers of Commerce and Agriculture at the *Mauritius* on the subject of the SUGAR DUTIES.”

Colonial Office, }  
4 March 1864. }

C. FORTESCUE.

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COPY of a DESPATCH from Governor Sir *Henry Barkly*, K.C.B., to His Grace the Duke of Newcastle, K.G.

(No. 19).

My Lord Duke,

Mauritius, 12 January 1864.

I AM urgently requested by the Presidents of the Chambers of Agriculture and Commerce to forward, by this mail, to your Grace the accompanying Memorial, which, though dated the 30th ultimo, has been laid before me by the memorialists only one hour before the time fixed for closing the letter boxes.

*Memorial.*

2. As it is a communication addressed to your Grace, I think it better to comply with the request of the Chambers, though I am compelled, under the circumstances, to defer until another opportunity any remarks upon the topics of which it treats, and even any proper examination of its contents.

His Grace  
the Duke of Newcastle, K.G.  
&c. &c. &c.

I have, &c.  
(signed) *Henry Barkly.*

---

MEMORIAL from the Chambers of Commerce and Agriculture at the *Mauritius* on the Subject of SUGAR DUTIES.

To His Grace the Duke of *Newcastle*, K. G., Her Majesty's Secretary of State for the Colonies, &c., &c., &c.

May it please your Grace,

THE Memorial of the Mauritius Chambers of Agriculture and Commerce respectfully sheweth :

That the local Government has communicated to your memorialists the Despatch in which your Grace is pleased to acknowledge their petition of December last, on the subject of the duties levied in England on Sugar, and to transmit the answer of the Lords of the Treasury of the 14th March last.

That your memorialists, under the impression, that in the ensuing session of Parliament, this question may call forth some proposal, hope that they may be again allowed to approach your Grace in behalf of their constituents.

That your memorialists are constrained to state that every day's further experience of the course of the sugar market here and in England, makes the inconvenience and injury inflicted by the present system of Sugar Duties, both on planters and merchants more sensible and grievous.

That your memorialists would venture to refer to a series of samples which they have sent to London, in the hope that an inspection of them will not only illustrate in a more striking manner their grounds of complaint, but serve to remove the misapprehension which appears still to have weight with some authorities, as to the distinction to be drawn between sugar and other articles of import.

(A.)—Sugar, as it comes from the vacuum pan, merely cleared from gummy adherences, by a few turns in the centrifugal machine, being considered to come within the limit for the 13 s. 10 d. duty, it was, before the recent rise in the European markets, sold for England and elsewhere \$ 5.25., or 21 s. per 100 lbs.

(B.)—Sugar from another estate, boiled and put through the centrifugal machine, precisely in the same manner as the previous one, but owing to different soil and climate in part, and in part to greater care in removing impurities from the cane juice before passing it into the vacuum pan, it was considered to overpass the limit of 13 s. 10 d. duty, and hardly saleable for England at any price. It was valued, as really and apart from the incidence of the English duties, worth 1 s. to 1 s. 6 d. more than the former; but, owing to the want of competition, was obtained by buyers for other markets at a merely nominal advance, or at \$ 5. 30., or 21 s. 2  $\frac{1}{2}$  d. per 100 lbs.

(C.)—Sugar from juice, prepared and boiled as the preceding, but subjected to a few more turns in the centrifugal machine, and washed therein with water—a substitute for the old process of claying. This sugar though valued, in point of colour and appearance, at 5 s. and 6 s. more than the first, was sold for shipment to Australia and Bombay, to supply the natives of that Presidency, and of Persia, &c., &c., at \$ 6.25 or 25 s. per 100 lbs.

(D.)—A sugar made in a Wetzell, or Gadsden open pan, and similarly passed through the "turbine" centrifugal machine, sold, from the same objection of being too high for the 13 s. 10 d. duty, at \$ 5.25 or 21 s. per 100 lbs.

(E.)—A sugar made like the preceding, from another estate, and sold in spite of its darker colour, also at \$ 5.25, or 21 s. per 100 lbs.

That it appears to be shown by these figures :—

1st. That the planter, if the duties in France, Australia, Bombay, &c., were not on a fairer footing than in England, would have to sell the better qualities of sugar at a hardly even nominally increased price, and that even now, he loses all benefit from the natural advantage of soil and climate marking his estate, though these affected the price paid for it, as well as all reward for the skill, care, and cleanliness he applies to his manufacture.

2d. That the supply of good sugars to the English consumers direct, and from first hands, is greatly limited by the present duties. When a demand for other markets, at a fair price, enables the planter to escape some part of the sacrifice he would otherwise be subjected to, the better qualities cannot be sent home at all. Adding the increase of duty from 13 s. 10 d. to 16 s. and 18 s., which the planter or consumer must pay to protect the refiner, the qualities readily supplied here to others at 21 s. 2  $\frac{1}{2}$  d. and 25 s. per 100 lbs., would cost in England, either to the importer or to the consumer, 23 s. 4  $\frac{1}{2}$  d. and 29 s. 6 d. In the London Trade Circulars of 29th October, the product of the refiners, called "centrifugal" and "crushed" are quoted at 46 s. and 49 s. per cwt., made probably from sugar paying 12 s. 8 d. duty. Sugar from this colony, resembling and competing with the better samples of the above, would have to pay an extra duty of 5 s. 8 d., or at least 4 s. 6 d.—such as resembled the lower samples, that of 3 s. 0  $\frac{1}{2}$  d. or 2 s. 2 d. The highest price quoted the same day, for Mauritius, was 45 s. It was charged with 16 s. duty, so that, as far as regards the net price to the planter, in this competition, it might as well have fetched



fetched only 44 s. 10 d. or 41 s. 4 d. Though in the recent excitement and rise in the markets, these proportions may have been altered for the moment, this difference shows that the planter is deprived of, and the refiner enjoys to the full, the enhancement of price which each in fairness is entitled to expect for the improvement effected by him; and that the latter, besides, gathers by the direct consequence of the law, and at the expense of some one, a further bonus for the performance of an operation which the former could conduct, not so cheaply indeed, but still with some advantage to himself, and to the supply and choice of sugars in the home market.

The fact that all the sugar of the 13 s. 10 d. duty type, which has been made here, has been rapidly sold for England, while all the better kinds remain in warehouse waiting for the response of other markets to the rise in Europe, consequent on the ascertained deficiency in the general supply of the world, is merely the natural result of these figures.

3d. That the distinctions between other articles of import and sugar is, so far as the latter is held, to be not "a raw or natural production, but a manufactured article, containing two distinct elements, molasses and pure sugar," shown to be more specious than real; for that the quantity of pure sugar contained in the samples sent to market is not recognizable by colour, and does not depend on any double manufacture, gone through by the better qualities, and not by the worse. The lowest qualities of sugar made here or elsewhere from cane juice, and by ignorant, careless, or slovenly handling, all might be made under the standard, are as much a manufactured article as the finest. All, but only with different degrees of skill and attention to the fitting time, and means, in each stage of the operation, go through the same processes of pressing, heating, skimming, boiling to crystallization point, cooling and draining. Sugar crystals from cane juice properly prepared and cooked, no matter by what means the evaporation is effected, do not contain molasses, which are adherent, not inherent, to the sugar as shown by the samples to which we have referred, and, as is at once apparent to any one who has had an opportunity of personally following the cane juice from the mill, till it appears as white sugar. It would seem therefore, that this ground, for the distinctive rates of duty imposed on different qualities of sugar cannot be accepted, and that it resolves itself into an attempt to blind the authorities of the Revenue Department, and by an unreal argument and analogy, to justify the fact that of all the purveyors of commodities for the English market, the produce of sugar alone must be trammelled and punished by an arrangement which, if it seeks to compass other objects, in effect, protects and favours rival interests. It is well known that the quantity of pure theine or caffeine, and the relative amount of useless and flavourless leaf or berry in any parcel of tea or coffee, in proportion to the general bulk, would be found, if the same principles were applied to these imports, to depend as much on the locality and climate of growth and on the skill and attention used in the drying, washing, and preparation, as is the case with the product of the cane.

That your memorialists hope that your Grace will allow for their feelings, when they see a large portion of their produce laid up in warehouse, unavailable for export to England, and unrealizable, when its proceeds are most needed, except at enormous sacrifice; and they believe that it will appear that the mere fact of so much sugar of superior quality, being still under these circumstances, made and ready for the English consumer, if he were allowed to take it at its fair intrinsic value, is the most conclusive proof of the truth of the assertion that the progress of care, cleanliness and skill has made sugar greatly better than the type for 13 s. 10 d. duty, the normal produce of a well-managed and tolerably well-fitted estate. Scarcely any sugar not chargeable with more than 12 s. 8 d. duty is manufactured here, even on estates where the old system of working and boiling has undergone no change, except that made from the sirops drained from the first making; and of that, there must always be produced here and elsewhere a proportion sufficient for all the purposes for which the low qualities are fitted and required. Sugar chargeable with more than 13 s. 10 d. can be, and is made without the vacuum pan; and without foregoing the use of the knowledge and experience he has acquired, and allowing the first steps of the manufacture to be carried on in a languid and slovenly manner, which involves the destruction and loss of part of the sugar existing in, and

extractable from cane juice ; in short, without in one way or other wilfully "spoiling" his sugar, the owner of a well-situated and well-appointed estate cannot be safe of keeping within the limit for 13 s. 10 d. duty.

That these facts having been confidently questioned in England, and not apparently without effect, your memorialists feel it necessary to re-state them to your Grace, and humbly submit, that to enforce such an unnatural and humiliating study of how to avoid making the most and the best produce, by first process, from a plant of which the culture and manipulation are so expensive, and to maintain such a dread of improvement on the quality of an article so largely required by the English people, can never have been knowingly intended by the Legislature. No law having any such effect has been tolerated by the English Government for any other branch of trade or manufacture, nor would it be allowed to survive for this, if the real facts, denuded of all extraneous considerations, could be brought tangibly under the consideration of those to whom the Legislature looks for guidance on such questions.

That with the desire of moderating and correcting their opinions, if shown to be illfounded, your memorialists have given great attention to all the discussions on this subject which have come to their knowledge, and particularly to the "report of the proceedings of the Conference held at Paris on the question of drawbacks on sugar."

That your memorialists could not avoid being very much struck, by the fact, that, as far as appears from the published minutes of the proceedings, the Conference, at the very first, seems to have occupied itself very little with the attempt to fix a fair drawback in each country, according to its rate of duty, beyond hearing the opposing assertions and challenges of proof as to the yield of refined sugar that passed between the Foreign and English Commissioners, but to have entered at once on the discussions of the different modes of levying duties on importation, and to have conducted that, with reference rather to the business of the refiners, and to some assumed influences on the navigation and commerce in general of each country, than to the trade in, and revenue from sugar simply, or to any fair interests in the question of producers and consumers.

That indeed, the instant and urgent zeal with which, at the outset, the English Commissioners, one of whom frankly confesses his desire, "to assist the Government in resisting the interested efforts" to obtain a change, as if there were no interested efforts made on the other side, insisted on a system of classified duties as the only basis on which they would consent to enter at all upon the consideration of the question of drawbacks, and the whole tenor of their report would have seemed to your memorialists an absolute intimation of a foregone conclusion against their prayer, had they not remembered that the heads of the Customs Department, before the Committee of the House of Commons, had been very far from the thorough one-sided advocacy shown at Paris, but had, on the contrary, given evidence strongly in support of changes designed, to a certain extent, to lessen the evils now complained of.

That, on reflection, your memorialists saw that in the report and minutes themselves, are to be found the strongest facts and reasons, of inconvenience and uncertainty in practice, and injustice in principle, against the conclusion come to ; and felt encouraged to persevere in their solicitations, by the consideration that the facts and arguments in their favour have yet to be pronounced on by the Right Honourable the Chancellor of the Exchequer and other heads of Her Majesty's Government, who, they cannot but believe, have not prejudged the question, but will, according to the assurance given in the letter of the Lords of the Treasury already referred to, "before making any proposal to Parliament, give full consideration to all the evidence before them, and to the views of the several parties best informed and most directly and deeply interested."

That from the proceedings of the Conference, it appears more clearly still to your memorialists that there is confusion or fallacy in the way in which the so-called refiners in England have sought to connect the question of drawback with the mode of levying duties on importation, and that in England, at least, as the refining trade is there practically carried on, the two subjects are not necessarily so inter-dependant, as it has been endeavoured to make it appear.

That the so-called refiners do not, in any fair sense of the word, refine  
sugar



sugar for export, or make refined sugar, at all; and that if this practical fact were practically dealt with, the question of the duties would be cleared of a cloud of figures and elaborate calculations which but few people follow out, which obscure and confuse it, and allow the intricate and plausible arguments of those who are favoured under the present system more easily, in some degree, to blind the public eye to the real operation and consequences on the trade in sugar, of the departure from the principles of taxation applied to the import of all other articles.

That the comparative yield from sugar, when reboiled, to be predicated of all the varieties of sample and nomenclature which come from the English works can only be vague, conjectural, and approximative, and must vary from time to time with every shade in the quality of what is produced, rather than of what is employed, and with every improvement in skill, and every new mechanical aid or chemical agent put in use; but that there would be but little comparative difficulty in adjusting the question of drawback, or of working in bond, and so placing the real refiner on a fair footing towards his continental rival, were it confined to those who do actually make refined sugar.

That whatever the small export of refined sugar from England, as adduced by the English Commissioners at Paris, may prove, relative to the mere ratio of drawback allowed in their respective countries, as between Foreign and English refiners on exportation, the whole course of the inquiry shows most convincingly that the so-called refiner in England has the great advantage over those of the Continent of being given a monopoly of the inland trade, and is enabled to dispose of all his produce, without, like them, having to pay freight and charges, or to incur the risks and delays of export markets.

That the English refiner should be able to carry on such a business, and sell his sugars which resemble "raw" and "moist" more than "refined," still less "stored," and entirely exclude from consumption, Colonial and Foreign of similar appearance, does, on the face of it, suggest the suspicion that he is in some way favoured by the duties, and that there is some error now, whatever may have been the case, when they were first established, in the principles, proportions, and calculations on which these are founded.

That, in fact, the English Commissioners put before the Conference, and adopted, the statement of the West India Association of Glasgow, and certain refiners.

That from these it appears that a small premium by drawback on exportation, over and above the molasses left for sale at home, is confessed by one refiner, who appears really to make refined sugar, and may be assumed for others.

That your memorialists, venturing to think that the real gist of the question in regard to the fairness of the import duties as between them and their opponents, does not lie in that point, proceed to what bears more on the mass of the refining trade as carried on in England.

That they find it stated that khaur, or the lowest description of sugar, yields to the refiner 56 lbs. to 60 lbs., or an average of 58 lbs.; that the average of West India yields 63½ lbs.; brown clayed Havanna, or Java, 84 lbs., and fine Java, 98 lbs. per cwt. The refiner, therefore, to have from these different qualities 112 lbs. to sell, must buy

Of the first 216½ lbs. at 12/8 per cwt. duty.

Of the second 197 „ at 12/8 „ „

Of the third 149½ „ at 13/10 „ „

Of the fourth 128 „ at 16/0 „ „

or, in other words, must pay into the Treasury for every 112 lbs. made from each quality, which he sells to the consumer respectively, 24 s. 5½ d., 22 s. 3½ d., 18 s. 5½ d., and 18 s. 3½ d.

That, nevertheless, it is in some calculation like, though probably not identical with this, that your memorialists can alone find any speculative or theoretical ground for the warm, and no doubt conscientious defence of the present system by the English Commissioners.

That your memorialists cannot reconcile the theory of the present English scale favouring good sugars with the practical facts, and must conclude, either that the refiners, since these data and calculations were adopted, has found means, as it is asserted, by the addition of moisture, and the adherence of

discoloured molasses to sell to the consumers 100lbs., or very nearly so, instead of the proportions varying from 35 to 77 per cent., which the English Commissioners had been furnished with statements of, for every 100lbs. of coloured sugar which they take into their works and wash; or that, out of devotion to the Exchequer, they neglect the good sugars which it would be so clearly in their interest to buy, since it is demonstrated that the price of each in the English market does not come up to the intrinsic relative value, shown by the assumed proportions of yield.

That though some of the Customs' authorities do appear to be really under the belief that the higher qualities of sugar are the most lightly taxed; and that, whether or no, duties framed so as to encourage the import of lower qualities to be passed through the hand of the refiners, sends more money into the Exchequer than the use of the better descriptions would do, and the refiner does all in his power to encourage this belief, your memorialists submit that closer examination will lead to the conclusion that the refiner has now found out that he pays less duty, and not more, by using the lower qualities; that it is his own profit, and not the interest of the Exchequer that dictates his selection; and that if there is an error, it is not the refiner, but the English public, as taxpayers, or consumers, who are deceived.

That your memorialists cannot, any more than the foreign delegates, admit the fact of the refiners in England being so far behind in skill and appliances, as to be unable to get from every 100lbs. of raw sugar as much produce as those of the Continent confess to, and are rated at; nor can they avoid believing that if they were bound, like the Dutch, to produce 81.91 per cent. of refined or lump, they would find means to do so without loss; and that like them, also, they could, in "cassonades," produce the entire weight.\*

That if there were regulations by which the English sugar boiler had, like the planter, to work to a standard, and to pay to the Revenue, by a classified scale, on his various products as sold to the Home consumer, the equivalent quality for quality of what is exacted from the producer of sugars fitted to go direct to the consumer, they would probably join in deprecating a system which its warmest defenders allow to be so "complicated," and in "many respects rough and vulnerable."

That in illustration of the direct bonus which your memorialists think is given by the present duties to the refiner over the importer on the inland consumption, they submit the following figures in the statement handed in by the English Commissioners; the product in refined sugar from 112 lbs. of raw is given as under:—

|           |   |   |   |   |   |   |   |       |
|-----------|---|---|---|---|---|---|---|-------|
| Raffiné - | - | - | - | - | - | - | - | 70    |
| Tapé -    | - | - | - | - | - | - | - | 15    |
| Batard -  | - | - | - | - | - | - | - | 12    |
| Sirop -   | - | - | - | - | - | - | - | 12    |
| Déchet -  | - | - | - | - | - | - | - | 3     |
|           |   |   |   |   |   |   |   | <hr/> |
|           |   |   |   |   |   |   |   | 112   |

And from this, allowing again for some uncertainty here as to the precise rate of duty at which such or similar sugars, sent from an estate, would be admitted for consumption in England, results the following calculation:—

|            |                      |   |   | Duty.              |   |            |   |                    |
|------------|----------------------|---|---|--------------------|---|------------|---|--------------------|
| 70 at 18/4 | -                    | - | - | 11/5 $\frac{3}{8}$ | = | -          | - | 11/5 $\frac{3}{8}$ |
| 15 „ 16/   | -                    | - | - | 2/1 $\frac{1}{8}$  | = | -          | - | 2/5 $\frac{3}{8}$  |
| 12 „ 13/10 | -                    | - | - | 1/5 $\frac{6}{8}$  | = | or at 18/4 | - | 1/8 $\frac{3}{8}$  |
| 12 „ 5/    | -                    | - | - | 6/ $\frac{6}{8}$   | = | „ 16/      | - | 6/ $\frac{3}{8}$   |
| 3          | unsaleable sirop:    |   |   |                    |   |            |   |                    |
| <hr/>      |                      |   |   | <hr/>              |   |            |   |                    |
| 112        | Duty that would be   | } |   | 15/7 $\frac{3}{8}$ | - | -          | - | 16/1               |
|            | charged to importer  |   |   |                    | - | -          | - |                    |
|            | Duty paid by refiner |   |   | 13/10              | - | -          | - | 13/10              |
| <hr/>      |                      |   |   | <hr/>              |   |            |   |                    |
|            | Difference           | - | - | 1/9 $\frac{3}{8}$  | - | -          | - | 2/3                |

The

\* Mr. Uyttenhooven—"Our law is nearly the same as in Belgium. The refiner is charged with the raw sugars delivered to him, and he obtains discharge of 100 kilogrammes on representing 81.91 kilogrammes of sugars, melis, or lumps. As for "cassonades," the refiner must represent the entire weight. There is no drawback on molasses."



The result of a calculation made from the statements of Mr. Fairie in the same document, allowing for some doubt from the proportion of absolute waste not being given, is almost identical; and it would thus appear that a direct bonus in the duty of  $1/9\frac{3}{8}$  at  $2/3$ —probably  $2/$  over the foreign or colonial importer—is obtained by the refiner on every hundred weight of sugar that he sends into consumption, and that too, though in the comparison, the higher rate of 13/10 is taken instead of the lower one of 12/8, which only, it is confessed, the much larger proportion of the sugar passed through the refineries, supports.

That the refiners would not justly complain if subjected to competition on this principle with the cane sugar maker, because it has been admitted by themselves that the strength or yield of sugar is not at all indicated by its colour, whilst the rate of duty is assessed to the importer, if not entirely, principally thereby; and it is well known that a well-drained, dry, though coloured, sugar such as can now be everywhere produced, of No. 12 Dutch standard, is valued by the English so-called refiners for their purposes nearly as high as the whiter numbers, though the consumers would readily take these at a higher price if the law did not prevent their being put at his option. The colouring matter left in the sugar—though as before stated its being left there in the first step of the manufacture, diminishes the amount made from a given quantity of cane juice—bears no proportion to the weight of the sugar actually produced, or to the additional duty now levied on the clearer sugar, and can be got rid of without any process properly called refining at all, and thus again it clearly appears that the present duties protect the making in England of what could be made with less waste of the sugar originally in the cane at the place of growth.

That in further support of the fairness of the comparison they have made, your memorialists may adduce an elementary and universally admitted truth in regard to the sugar manufacture; for, “in the regions where the sugar cane thrives, the temperature of the air is higher, and favours the fermentative processes, particularly the mucic fermentation, in the highest degree; the danger of decomposition occurring in the sugar of the cane juice is, therefore, very much greater than in the manufacture from beetroot,” and the same applies to the re-evaporation in Europe of a solution of raw sugar in water.

That it is easier and cheaper, and attended with less risk, to make certain qualities in Europe from raw sugar than at once from the cane juice, will hardly indeed be denied.

In a pamphlet by Mr. Fairie, published to support the views and interests of his class, and which has recently come under their perusal, it is plainly stated that “the advantages which the Europeans possess in the abundance of skilled labour and cheapness of machinery make it impossible for the colonies to compete with them in the manufacture of refined sugar,” and yet he calls for the maintenance of a law, in virtue of which the Exchequer steps in to aggravate the natural and real disadvantage of the planter, and forbids him from trying to obtain some part of the advantages to be derived from the supply of qualities quite within his means to make, and which the refiners monopolise.

That your memorialists have wished, and still wish, it to be understood that their complaints are grounded on this actual, tangible, and daily loss experienced from not being allowed to present their produce to the bulk of the English consumers on the same terms as so-called refiners enjoy for products as different from really refined sugar as those which the planters could send out, and not on any speculative injury from their being debarred from the attempt to make such sugar as will compete with the “fine white quality” made by refiners at home.

That your memorialists beg leave to notice some erroneous reasoning and confident assertions as affecting the manufacture of sugar in this and other colonies, put forward in the pamphlet referred to, and which, if left unchallenged, might be most prejudicial to their cause.

That your memorialists admit that the use of animal charcoal, with which some experiments were made, has not been encouraging here; but Mr. Fairie has allowed himself to be too far carried away on some other points from want of a little more inquiry here or at home. He states that “there is great difficulty in the use of the vacuum pan, and centrifugal machine in the Colonies, which,” he says, “are the only very efficient additions made to the old system

of sugar producing, on account of the want of skilled labour, and the carelessness and stupidity of the negroes," and also that "an almost insuperable obstacle to the use of the vacuum pan in the Colonies, is that it requires a large and constant supply of cool water." He should hardly have been ignorant that patent condensers are employed in some of the engines in London factories to economise the use of water, and that vacuum pans to be worked by them can be supplied by any engineer in England. He adds that to make clean sugar in the Colonies, "the juice of the cane requires to be filtered, and that in this process a very large quantity of a very thin solution of sugar is produced, the evaporation of which occasions great expenditure of fuel, and moreover there is risk of fermentation which, if it occurs, causes the destruction of much sugar."

That your memorialists assert that none of the samples of which they have taken the liberty to invite inspection, have been made from filtered juice; that many vacuum pans with patent condensers are established here on estates where there is no supply but from wells, and that they are worked with a very small quantity of water, the same being saved and used again and again; that though it may suit the refiners to make believe that the making of such sugar as is called "crushed," is a mystery requiring so much science and care as to deserve exclusion from the Colonies, and protection and encouragement at home, there is really no difficulty whatever in getting boilers to attend to the vacuum pans, and that the labourers here acquit themselves as well at the centrifugal machines as at any other part of their tasks.

They repeat that the chief thing for the planter to watch is the first steps of the preparation of the juice, and in case Mr. Fairie and others may again be tempted, as in his examination before the Committee of the House of Commons, to throw doubts on the statements of credible witnesses well acquainted with what they were speaking of, they appeal to the high and disinterested inquiry and testimony on the spot to which your Grace has it in your power to refer.

That on these promises Mr. Fairie has taken it on himself to judge for the Mauritius and other planters what would be most for their interests and the success of their industry, but that your memorialists are confident that Her Majesty's Government in forming its conclusions on these points, as also on the extent to which they suffer from the effect on the sugar market of the present duties, will rather take into consideration the opinions and experience of the planters themselves than the statements of Mr. Fairie, who goes on to reason, that "since the rate of duty charged on the lower kinds of sugar amounts to at least 50 per cent. of the price exclusive of duty, if a planter improves his sugar and thereby gets a higher price, and pays in duty 50 per cent of the increase he obtains, he is in no worse a position than before."

That your memorialists humbly submit that in common sense and principle a man who makes an improved article should not see the Customs step in and confiscate half of the reward due to his extra industry and skill, but that the case of the planter is much harder even than this statement, since it has been demonstrated, and may be seen any day in the London market, that in almost every case it is not 50 per cent. of the increased price that is taken by the Customs, but the whole; and that in very many cases the increase of duty being more than the increase of value which under the present artificial system he obtains, the planter suffers by actually realising at last, as net price, less than is obtained for an inferior article.

That in the same pamphlet, your memorialists are reproached, on the part of those who thrive on their injury, with exclaiming as if they were the most oppressed people in Her Majesty's dominions, because, confident in the justice of Her Majesty's Government, they claim the privilege of making known the injuries they are suffering.

That the additional 2s. 2d. per cwt. which Mr. Fairie confesses that the present arrangement of the duties imposes on the slightest proposed improvement of his produce, aggravated by all the concomitant mischiefs with which it has been before attempted to explain to your Grace in detail, is a most serious loss and discouragement to the planters struggling against all the charges, difficulties and risks incident to their business, and fully justifies them in persisting in their prayer for a change, so long as they are conscious of asking nothing but just consideration, and no undue favour at the expense of the English revenue or people.

That



That your memorialists venture to maintain, that it appears clearly from what has been said in regard to the yield from various kinds of sugar in the refineries, and other reasons, that the revenue would not suffer from a change such as they solicit; the mere freedom restored to the Colonies of competing for the direct supply of sugar to the consumers, would not diminish the total weight of sugar consumed, and it might even result that, some part of the bonus which they believe is now enjoyed by the refiners, or of the 3 francs 26 cents. and 4 francs 22 cents. per 100 kilogrammes, which the French delegates\* by another calculation, found to be left in the hands of the refiners, would find its way into the Treasury, or remain in the pockets of the English people.

That your memorialists could not find a more striking confirmation of this view, as well as of the fact that the development of the refinery trade, as at present carried on in England, is an artificial growth of the anomalous duties, created and fostered by them, than a citation of Mr. Fairie's pamphlet. Referring to the evidence given by Mr. Kirkpatrick before the House of Commons' Committee, that the high class of sugars would be more abundantly imported on an uniform duty being adopted, he adds, that "Employing such fine qualities, a refinery would work up nearly twice the quantity which would be done if the lower classes were used. and with the proposed change, we should have a superfluity of refineries, and competition would become ruinous." Mr. Kirkpatrick, moreover, admits "that the trade of making pieces would be destroyed if the Colonies, English and Foreign, were encouraged to make fine qualities, and as two-thirds of the refiners in the kingdom are occupied with this trade, it follows that these two-thirds must be driven away altogether."

That your memorialists submit that even if fair competition had the violent effects predicted, which they are far from believing, considering such predictions to be merely the echo of those that have come from all protected interests when their monopoly by law seemed about to be touched; it would only be, because it enlarged and cheapened the supply to the consumers.

That your memorialists will not follow at length Mr. Fairie's lamentations over the threatened extinction of an export trade in refined sugar, which the English Commissioners at Paris have proved already not to exist; but it is impossible to entertain the chimerical fear, that, in these days, the Government of France, Holland, or Belgium, could long tax its people in order to enable the limited class of refiners to export refined sugars to England or other countries on bounties from the public treasury.

That your memorialists must refer again to what they trust to be pardoned for calling the eagerness shown, by the English Commissioners, to aggravate still further the grievances and anomalies which they pray for the redress of; and have seen with pain the reluctance with which they assented to the new scale proposed for general adoption, and which would be slightly less unjust and injurious than the present one.

That they might, however, have less the notion entertained by the English Commissioners, that the present scale of duties is not such as to protect refiners, but as to favour good sugars on importation, to be counterbalanced by the apparently clear demonstration, as far as figures can be relied on, furnished by the French delegate at page 27 of the Report, and by their own statement of the whole course of the trade, from which it appears that the effect is directly contrary, since, of the whole sugar consumed in England; only one per cent. pays 16 s. duty, 38 per cent. pays 13 s. 10 d., and 61 per cent. pays 12 s. 8 d., and the Commissioners declared that the lower qualities were progressively and not slowly acquiring a still greater predominance in the imports.

That this practical refutation did not escape the foreign delegates,† and that the English Commissioners themselves, at other points of the discussion, in order  
to

\* Page 27 of Report.

† Mr. Mallet.—"But in the combination of the actual duties in our tariff, the duty on sugar of superior quality is rather too high than too low."—Mr. Ozenne—"The facts, prove the contrary, for you hardly import any of them, probably because the duty is found too high. If the difference between the first and second duty, which is not in proportion to the value of the sugars was less considerable, the importations would assuredly find their level."

to influence their colleagues in favour of the classified scale, represented the present system and its encouragement of the low qualities as the direct cause of the immense affluence of sugar to England.

That, to any candid reader of the proceedings, it will be clear that the inconvenience in practice and difficulty of framing a fair and equitable scale as well as of applying such with uniformity, were confessed by all, and that, independently of the clear and consistent protest of the Belgian delegates, those of France and Holland gave up the opinion which at first they had shown to be the just and true ones, considered simply with reference to the revenue from sugar, and the trade in the article itself whether as regards the interests of those of their subjects who grow or those who consume it, merely out of deference to the persistence of the English Commissioners, which rendered the attempt to proceed with the conference at all on any other basis, hopeless; and that the Dutch and French delegates themselves were ultimately swayed by extraneous considerations, and were dazzled by the idea, how arrived at, your memorialists need not inquire, that, by adopting the English system, they would in some unexplained way, attract an increased trade to the ports and ships of their respective countries, and deprive English shipping of part of its present employment, which they were persuaded that system has had a direct object and tendency to increase.

That your memorialists believe that in England such an explanation of the affluence of sugar to her ports and ships will appear visionary, since the largest market must necessarily, if no disturbance in the natural course of things is caused by protective legislation, attract the supply largest in quantity, and most various in quality, and are, at all events, persuaded that to attribute such indirect and unavowed design to the English Government in maintaining these duties, is void of all foundation; and, were it otherwise, they would have still further reason to protest against their produce being singled out and taxed with any other view than those which apply to all other commodities.

That, further, your memorialists cannot but share the apprehensions felt by all the delegates (the English Commissioners declaring, even before-hand, that the Dutch numbers proposed for the general basis are not at all applicable to a great part of the sugars imported into England), so distinctly expressed and maintained to the end by those of Belgium, in view of the suspicions and jealousies sure to attend the attempt to carry out so complicated a system, even if it could be clearly fixed by treaty, by independent custom-houses, under such different circumstances of social and commercial tone and morals, each responsible only to its own Government and changing heads of departments, without any supreme authority to refer to, or in a condition to enforce uniformity of action.

That your memorialists finally beseech your Grace to pardon the freedom and the length with which they have attempted to enlist your support, and trust, that if they have been betrayed into greater fullness and repetition of statement, and a more controversial tone than they would have wished to use in an address of this nature, they may be excused by the consideration that, at a distance, and against powerful opponents within daily and ready access to the authorities with whom the decision rests, they are putting their own cause, and that of their constituents, into the hands of your Grace as under Her Majesty, the appointed protector to whom they have to look for the defence of their fair claims and interests.

Your memorialists trust that they have shown that the present system of duties, however theoretically good it may have appeared at its origin, practically inflicts injustice and loss on those who have endeavoured to do what alone will enable the production from cane sugar in the Colonies to compete with that from beet, and to apply to the treatment of the cane juice some of the numerous improvements and aids suggested by their own experience, and discovered by the skill and science employed in the beet-root sugar manufactories in Europe.

That the present duties equally injure the English consumer by shutting out from him natural sugar suited to his taste, of a colour and appearance pleasing to his eye, and of a dryness which fits it for economical use, and by confining his choice to an article, much of which, though slightly enough, has, from being repeatedly dosed with bullocks' blood, or passed over bone charcoal, in order to discolour the uncrystallized syrup, or molasses regenerated, so as to leave a  
certain



certain amount of it attached to the sugar, without detriment to its appearance, contracted a taint in taste and smell unpleasant to those accustomed to the racy flavour of natural sugar, and which, besides, as was proved by many witnesses, and is explained by the proneness of bullocks' blood to decomposition, is liable to rapid deliquescence.

They respectfully submit that these consequences are too injurious, and affect too many persons and classes of Her Majesty's subjects to be justly maintained out of partiality to those Colonies and planters who have neglected to advance with the times, and who, if they remain stationary, it is evident, will never be able to stand in the competition with beet-root, as soon as there is again an abundant crop of that plant, and to whose consideration the statement in Mr. Ogilvie's Report that under the present duties the French were already sending large quantities of "the lower," not of the higher "sorts of beetroot sugar" to England, will no doubt recommend itself; and still less out of deference to the factitious industry in England, which, though confessedly confined to 70 or 80 firms, already boasts that three-fourths of the whole sugar supply of the country, has to pass through its hands, and necessarily pays its tribute at the expense both of producer and consumer.

Wherefore, your memorialists again appeal to your Grace to take their petition for such a modification of the Sugar Duties, as will meet the just claims of your petitioners, into your favourable consideration, and to recommend it to Her Majesty's Government, and to Parliament, and they will ever pray.

*Christian W. Wiehé,*  
President of the Chamber of Agriculture.

Port Louis, Mauritius,  
30 December 1863.

*H. J. Bell,*  
President of the Chamber of Commerce.

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SUGAR DUTIES (MAURITIUS).

COPY of Despatch from the Governor of the  
*Mauritius* to the Secretary of State for the  
Colonies, covering a Memorial from the Cham-  
bers of Commerce and Agriculture at the  
*Mauritius* on the subject of the SUGAR DUTIES.

(*Mr. Crawford.*)

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*Ordered, by The House of Commons, to be Printed,*  
*7 March 1864.*

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NEW ZEALAND.

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RETURN to an Address of the Honourable The House of Commons,  
dated 26 April 1864;—for,

“ COPY of all CORRESPONDENCE that has taken place between Governor Sir  
*George Grey* and the Colonial Office relating to the Policy of CONFISCATION  
which has been adopted by the NEW ZEALAND LEGISLATURE.”

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Colonial Office, }  
20 May 1864. }

FREDERIC ROGERS-

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(*Mr. Arthur Mills.*)

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*Ordered, by The House of Commons, to be Printed,*  
*23 May 1864.*

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SCHEDULE.

DESPATCHES FROM THE GOVERNOR.

| No.<br>in Series. | Number and Date.                 | Page. |
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| 1                 | No. 9.—6 January 1864 - - - - -  | 3     |
| 2                 | No. 10.—6 January 1864 - - - - - | 22    |

DESPATCH FROM THE SECRETARY OF STATE.

|  |                                 |    |
|--|---------------------------------|----|
|  | No. 43.—26 April 1864 - - - - - | 47 |
|--|---------------------------------|----|



COPY of all CORRESPONDENCE that has taken place between Governor Sir George Grey and the Colonial Office relating to the Policy of CONFISCATION which has been adopted by the NEW ZEALAND LEGISLATURE.

## Despatches from the Governor.

— No. 1. —

(No. 9.)

COPY of a DESPATCH from Governor Sir George Grey, K.C.B., to His Grace the Duke of Newcastle, K.G.

Government House, Auckland, 6 January 1864.

My Lord Duke,

(Received, 14 March 1864.)

I HAVE the honour to transmit to your Grace the documents named in the margin, relative to a paper by Sir William Martin, late Chief Justice of New Zealand, objecting to some of the plans proposed by the Government for the termination of the troubles now existing in this Colony.

2. The Colonial Secretary has appended a memorandum, expressing his views upon Sir William Martin's paper; I wish also to bring the following remarks under your Grace's consideration :

Sir William Martin says, para. 16, " If those men, after giving the best proof of their intentions not to 'levy war' against the Queen, yet seeing their territory entered by an armed force, and property destroyed by that force, stood up to resist, ought we not in fairness to conclude that they resisted, not because they were traitors, but rather because they were New Zealanders, or because they were men ?"

3. I believe that this passage refers to the majority of the Waikato chiefs who, at native runangas held to consider the question, refused, before the commencement of the existing troubles, to join the other natives in their proposed attack upon the European settlements.

4. On this I would remark, that two officers and nine soldiers had just then been most shockingly assassinated at New Plymouth, by the order of some of the upper Waikato chiefs. I believe that the so-called Maori King knew that these orders had been issued, and either would not, or, most probably, was powerless to interfere. He, however, never gave me any warning that such an intention existed.

5. Just after these murders, plots were formed by the same people, and their adherents in the lower Waikato, for an attack upon the settlement of Auckland. The natives who formed these plots were all well armed, and had long been preparing themselves for such enterprises. They had drilled their men, dressed them in uniforms, appointed them to different ranks.

6. Was it to be expected that a civilised people, who knew that the question of whether they were to be attacked or not was discussed in runangas or councils, (which anyone could enter and then vote), and was only decided in the negative by a small majority, which any night might become a minority, should delay for a day to take the requisite measures for the protection of their families and properties; and what would have been said of the Government which, having the then recent and lamentable example at New Plymouth before its eyes, had hesitated to provide for the safety of the Queen's subjects? Under such circumstances, must it not be held that Her Majesty's forces may be moved into any part of Her possessions, for the protection of the quiet and peaceable, against the

No. 1.

Governor Sir Geo. Grey, K.C.B., to the Duke of Newcastle, K.G. 6 January 1864.

Enclosure 1.  
Mr. Fox to Sir G. Grey, 31 December 1863.

Enclosure 2.  
Sir William Martin to Mr. Fox, 16 November 1863.

Enclosure 3.  
Memorandum by Mr. Fox on Sir W. Martin's Papers.

armed and turbulent who are plotting their destruction; and that the mere fact of their having marched across a certain stream to attain this object cannot be regarded as an act which justifies the turbulent in entering an European settlement, and in murdering inoffensive and unarmed settlers, or in attacking Her Majesty's forces?

7. I say this, not as an answer to Sir William Martin's views, which would probably agree with my own on this point, but because I fear that his remarks might, as they stand, be misunderstood by persons at a distance.

8. In my Despatch, No. 177, of the 5th of December last, I enclosed a native statement, which showed that when General Cameron, early in July last, moved to provide for the protection of the settlement of Auckland, the native attacking forces were already in motion, and that when he crossed the Mangatawhiri, their leading parties had already passed up the Maramarua to occupy Paparata, or some other point on the line which they intended to take up.

9. I now enclose for your Grace's information the copy of another native statement, from a totally independent source, which shows that the Waikato natives did their utmost, at the period of time to which I allude, to induce William Thompson to join them with his tribe in a simultaneous attack upon the European population.

I have, &c.  
(signed) *G. Grey.*

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Enclosure 1, in No. 1.

MEMORANDUM for His Excellency.

Encl. 1, in No. 1.

His Excellency is requested to forward the enclosed copy of a paper by Sir William Martin to Her Majesty's Principal Secretary of State for the Colonies. In accordance with the request of the writer, the Colonial Secretary has appended a memorandum at the end of the document.

31 December 1863.

(signed) *William Fox.*

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Enclosure 2, in No. 1.

Encl. 2, in No. 1.

Sir, Auckland, 16 November 1863.  
I BEG to submit, through you, to the Government certain considerations relative to the plans now proposed for terminating the troubles of the Colony. My remarks have grown to a bulk which I had not contemplated, but which yet appeared to be necessary in order to exhibit in their true relations various important facts which are often overlooked or unknown, and so to arrive at a fair view of the whole case. The extent of the subject, and the rapid progress of business in the Assembly, have prevented my submitting the considerations as I purposed to the Assembly itself. I now venture to ask for them from the Government such attention as their relation to a question so novel and so momentous may entitle them to.

May I also request you to move his Excellency the Governor to submit these considerations to his Grace the Duke of Newcastle.

The Honourable W. Fox,  
Native Minister.

I have, &c.  
(signed) *William Martin.*

(See Memorandum by the Colonial Secretary at the end of Sir William Martin's paper.)

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OBSERVATIONS on the Proposal to take NATIVE LANDS under an ACT of the ASSEMBLY.

1.—Introduction.

1. LAND may accrue to the Crown in various ways:—

First. From foreign enemies by conquest, that is to say, by military force controlled and regulated by the usages of war, as understood amongst civilised nations.

Secondly. From subjects, by operation of law; and this in one of three modes, namely:

(a.) By forfeiture upon conviction of treason in a court of law.

(b.) By Act of Attainder, resorted to by Parliament in extraordinary cases, where a regular trial for treason is not practicable; in which cases, however, though the forms



forms of the law of treason be departed from, the substance is to be closely adhered to.

(c.) Or, thirdly, by a special legislative enactment, authorising the Executive Government to take the land of a subject for the purpose of public defence, or for any other national purpose; the land being in such cases taken under such restrictions and upon such terms of compensation to the private owners as Parliament may prescribe in the Act.

Lastly. Land may fall to the Crown by cession; and that, either from a foreign State or from a subject.

2. The first point, then, to be cleared up is this, which of these modes is applicable in this case? And this again depends on the question to be presently considered, "What is, in point of law, the relation of persons of the native race to the Crown of England?"

Are they subjects or foreigners? For the purpose of this inquiry it will be necessary to refer (which I will do as briefly as possible) to the history of the original colonisation of this country, a subject which, though often discussed, appears to be not even yet generally understood. It will be necessary, also, to go even further back, even to the principles on which our English colonisation had proceeded in earlier times, in order thereby to render more clear the peculiarity of the mode in which the colonisation of these islands was undertaken.

## 2.—*Principles of English Colonisation.*

1. There are two modes of colonising; one, by which the people of the territory colonised may be locally brought within the dominion of the Crown, yet may remain in nearly everything else as independent as before; and a second, by which they may be brought (as far as possible) even from the beginning within the law and political system of the colonisers. By the one system they remain (at least for a time) foreigners; by the other, they become subjects. The former has been exemplified in North America; the latter, here in New Zealand.

No more authoritative exposition of our national law of colonisation can anywhere be found than that which is to be found in the "Commentaries" of the celebrated Chancellor of the State of New York (Chancellor Kent's Commentaries on American Law, Lecture 51), and which I subjoin in the Appendix to these remarks, No. 1.

2. Our forefathers, then, in entering upon the colonisation of North America asserted their right and their intention to appropriate that region to our nation as a field for colonisation to the exclusion of all foreign nations. As against the natives of the country, they asserted no rights except such as were involved in the claim to colonise. They prohibited all sales of land to foreign powers; and in order to insure to the Crown the direction and control of the colonisation, they prohibited all private dealings for land between natural-born subjects and the natives, subject to these two restrictions, the right of the natives to their lands, and their right to govern themselves, were recognised. To express this more briefly, that which was assumed in the outset was the external dominion, for it is in the nature of such a dominion that it can be assumed in a moment.

A Proclamation in the London Gazette suffices. Notice is thereby given to foreign nations that such a portion of the earth's surface belongs to the Crown of England; that England is prepared to hold it against the world. It was necessary to assume this kind of dominion at once, in order to prevent foreign nations getting a footing in the territory intended to be colonised. The internal dominion, that, namely, by which all persons and things within the territory should become subject to one Legislature, was left to be acquired gradually, as indeed, in the nature of things, it could not be acquired in any other way.

3. As the progress of colonisation gradually reached the territory of one tribe after another, treaties were made from time to time with those tribes severally. These treaties were made not for the purpose of assuring to the tribes the dominion and ownership of their lands; on the contrary, every such contract assumed and presupposed that dominion and ownership. Those treaties were made only for the purpose of defining and recording the relation thenceforward to subsist between the colonising power and the native tribe, the terms agreed on between the buyer and the seller of the land, the boundaries of the land to be ceded, and the like. About 230 treaties of this kind are printed in the United States "Statutes at large," vol. vii. (Boston, 1856.) The old course has been consistently followed up to the present time in our remaining North American Colonies. In the New Zealand Debate, June 1845, Sir Howard Douglas thus stated the policy and practice of Great Britain in the Canadas: "There the soil has been obtained by compact with the Indians. Every part of the vast region now settled has been obtained by regular conveyances and compacts from the native tribes. I have been a party to such compacts as a Commissioner to treat with numerous and extensive tribes in what were then remote and unsettled parts" (New Zealand Debate, June 1845, p. 125).

4. In the first occupation of New South Wales (which indeed cannot be spoken of as colonisation, for the true colonisation of New South Wales began at a later time), the old policy of England was disregarded, and the evils which were consequent upon the course taken in Australia were among the causes which led the Parliament of England to reconsider the whole subject of the relations of England to the native races dwelling within the colonial possessions of the Crown, and finally to a determination to revert to the sound

and just principles on which our earliest and greatest Colonies had been founded. But there was a special circumstance in the case of New Zealand which could not be disregarded. The Government had recognised the independence of New Zealand, and in the view of other nations had abandoned any right which might have been grounded on the discoveries of Captain Cook. It was not, therefore, any longer open to the Government to assume that which had been expressly abandoned. It was thought necessary and right to obtain by an express compact the assent of the native population to the establishment of the English Government in the land. It was also deemed to be expedient, whilst obtaining that assent, to bring the natives at once (as far as possible) within the protection of that Government and the dominion of law.

So, whilst in North America the external dominion was at once assumed, and the internal dominion left to be acquired afterwards in such way and to such extent as might be defined by treaties to be made for that purpose, in this case of New Zealand the attempt was made to acquire at once both the internal and the external dominion by one treaty made once for all.

5. We have seen that under the old system the native tribes stood as small but almost independent nations, encompassed on every side by the dominion of a great nation. Such a system, however tolerable when applied to the wide surface of the continent of North America, would have been inconvenient in the extreme if applied to numerous tribes occupying a small country, and necessarily intermixed with the colonists scattered throughout the country; and there were special considerations of justice and humanity which led the Home Government to desire to establish in New Zealand some settled form of government, which might restrain and protect both the natives and the settlers who were then flowing into these islands.

This object is prominently brought forward in the instructions issued by the Marquis of Normanby to Captain Hobson in August 1839, when that officer was on the point of proceeding to New Zealand, and in Lord Glenelg's letter to Lord Durham; from which I subjoin a few passages in Appendix, No. 2.

6. On the face of the treaty into which Captain Hobson invited the natives to enter, the same object was expressly stated:

"Her Majesty Queen Victoria, of the United Kingdom of Great Britain and Ireland, regarding with Her Royal favour the native chiefs and tribes of New Zealand, and anxious to protect their just rights and property, and to secure to them the enjoyment of peace and good order, has deemed it necessary, in consequence of the great number of Her Majesty's subjects who have already settled in New Zealand, and the rapid extension of emigration both from Europe and Australia, which is still in progress, to constitute and appoint a functionary, properly authorised, to treat with the aborigines of New Zealand for the recognition of Her Majesty's sovereign authority over the whole or any part of those islands. Her Majesty, therefore, being desirous to establish a settled form of civil government, with a view to avert the evil consequences which must result from the absence of the necessary laws and institutions, alike to the native populations and to Her subjects, has been graciously pleased to empower and authorise me, William Hobson, a Captain in Her Majesty's Royal Navy, Consul, and Lieutenant Governor of such parts of New Zealand as may be, or hereafter shall be, ceded to Her Majesty, to invite the confederated and independent chiefs of New Zealand to concur in the following articles and conditions, &c."

In conformity with this intention, by the third and concluding article of the treaty:

"In consideration thereof, Her Majesty the Queen of England extends to the natives of New Zealand Her Royal protection, and imparts to them all the rights and privileges of British subjects."

7. It is plain that the framers of the treaty desired to bring all the natives of these islands into the position of subjects of the Crown; but it is not to be conceived that they contemplated the introduction at once amongst the New Zealanders of the minute and technical forms of English law; they regarded only the substance of the law; the substantial fruits of settled government; legal protection for life; legal protection for property. The power which accepts the position of a Sovereign, and promises to regard certain men as its subjects, does thereby undertake, at least, the duty of protecting the lives and properties of those men. This is a proposition which, I think, no Englishman will question. Such, then, was our undertaking.

8. We are not left to mere inference on this point. Captain Hobson distinctly put the question in a letter; in answer to which Lord Normanby instructed as follows (15 August 1839): "It is impossible for me to prescribe the course to be pursued for the prevention of cannibalism, human sacrifices, and warfare among the native tribes; but I have no difficulty in stating that, if all the arts of persuasion and kindness should prove unavailing, practices so abhorrent from the first principles of morality, and so calamitous to those by whom they are pursued, should be repressed by authority, and, if necessary, by actual force, within any part of the Queen's dominions." And shortly after the signing of the Treaty of Waitangi, Lord John Russell wrote thus to Governor Hobson:—

"At the same time you will look rather to the government welfare of the tribes now to be connected with us than their supposed claims to the maintenance of their own laws and customs."



customs. When those laws and customs lead one tribe to fight with, and drive away, and almost exterminate another, the Queen's sovereignty must be vindicated, and the benefits of a rule extending its protection to the whole community must be made known by the practical exercise of authority. (Parl. Pap., 11 May 1841.)

### 3.—*Relation of the Government to the Natives till 1853.*

1. It was plain that many years must elapse before our colonisation should extend over the whole country. It was hoped in the outset that by good management during those years the natives would gradually learn the meaning of the Queen's sovereignty by practical experience of the benefits flowing to themselves from it, and so would come to an intelligent appreciation and acceptance of the new system of things. The contrast seen and felt between the effects of lawlessness and law; the manifest benefits of an order of things which should allow the natives to accumulate property and enjoy the fruits of their labour, would (it was hoped) wean them gradually from their old habits into ours, until a more complete establishment of our system should become practicable. The Secretaries of State had (as we have seen) not directed any actual and forcible exercise of authority, except in very strong cases, and where the common instincts of humanity would work in our favour.

The work of collecting signatures to the Treaty of Waitangi was hasty and incomplete in the extreme. It was especially imperfect in the central districts of this island.

The efforts of the new Governor were chiefly directed to the north, which at that time was the seat of his government; to the south, when the New Zealand Company's settlers were establishing themselves; and to the southern island, which the French threatened to occupy. Subjects to the Crown were to be gathered in from year to year, not by mere signatures, but by acts of practical assent, gradually growing into the habit of willing obedience to a power recognised as beneficial. Discussion was avoided. To let the authority of the Crown quietly grow in the land was the great object.

2. And certainly the spectacle of our criminal trials did produce a great effect on the minds of all the natives who witnessed them, or who heard the story of them as it was carried throughout the land. Tardy they thought our procedure to be, and even cruel; but men accustomed to the indiscriminate vengeance of tribe against tribe were struck with awe at the sight of a system which slowly, yet surely, tracked out the single shedder of blood, and smote him alone. The execution of Maketu was approved everywhere; even in the north, amongst his own people, it was not resented. Less than two years afterwards I met his father on the road from the Bay of Islands to the Waimate. My companions were in advance of me, and had told him that I was the judge who presided at his son's trial. He came up, shook hands with me, said not a word, and passed on. The principle that, in all cases when a crime was committed against a pakeha, the Governor might require the accused to be delivered up for trial was then accepted. Even Taraia, in complaining of the interference of the pakeha in a quarrel between two native tribes, admitted that principle.

On one occasion I heard a discussion, on the shore of the great lake at Rotorua, which was prompted by my presence there is no doubt, but not by any words of mine. The speaker contrasted, in strong terms, the law of the pakeha with a then recent war between Rotorua and Waikato, in which some 500 lives had been lost, whilst the murderer whose crime had caused the war was still living.

3. But it is unnecessary to enter into detail.

It is admitted on all sides that a great progress in the right direction was in fact made. One of the late responsible ministers has recently described the state of things just 10 years ago in the following words: "In the year 1853 the Maori tribes were perfectly peaceful throughout the Colony. In 1860 the war began. All the progressive symptoms of disaffection, as well as its more immediate causes, are to be sought for during the intervening period. At the end of the former year (1853) Governor Sir George Grey left the Colony.

"His policy towards the natives may be called distinctively one of conciliation, but was not unaccompanied by the operations of active government. Resident magistrates were administering justice in native districts. Arms and warlike stores were denied to the aborigines. Land purchase operations were conducted with great caution. Maori land was offered to Government more freely than funds could be provided for the purchase, and the tribes were in a singular state of peace among themselves."—(Letter to Lord Lyttelton, by Mr. Crosbie Ward, p. 31).

This may be taken as a correct general statement, but it should be understood with this qualification, that a very large part of this island still continued to be without the presence of any officer of the Queen, although even those portions of the island were indirectly affected for good. The administration of justice in the resident magistrate's courts was serving as an example and even as a means of practicable education to the native people. Some of the more advanced and influential amongst them were acting as assessors in those courts.

In the remoter parts there were occasional outbreaks of violence amongst the native tribes, which the Government did not attempt to repress by actual force, but rather to check and terminate by peaceful means.

It is remarkable that the sense of nationality was even then beginning to stir amongst the people; and that the project of setting up a king was even started and agitated, in the

year 1852, by Matene te Whiwhi; but in the then state of men's minds his proposal did not find acceptance. Sir George Grey's first Administration proved that the strong suspicions as to our intentions, which the natives had from the beginning entertained—suspicions first awakened and manifested in the Harbour of Sydney in 1814, when Samuel Marsden was about to sail on his first voyage hither (Nicholas, vol. i., p. 41); strongly expressed again at Waitangi; ultimately breaking forth in Heki's northern war—that those strong suspicions could, by good management, be quieted, so as to allow our colonisation a free and peaceable course, and even to attach to the Crown a considerable part of the native population. It is sometimes suggested that the distrust or disaffection now so widely spread among the natives is to be traced to prejudices instilled into their minds by ill-disposed people. Such persons were certainly not less numerous during Sir George Grey's first Administration than at present. The fact is, the natives trust to their own observation more than to any reports or suggestions of any pakehas. Such persons may be troublesome, but they are not dangerous to a Government which does its duty. After that time it seems to have come to be believed that what Sir George Grey was doing with great prospect of success had actually and completely been done; that in so short a time we had acquired complete dominion, internal as well as external. Assertions to this effect have been made in a variety of ways, directly and indirectly, in proclamations and in other public documents. I cite only the words addressed by Governor Browne to the natives assembled at Kohimarama (10th July 1860):

"It is your adoption by Her Majesty as Her subjects which makes it impossible that the Maori people should be unjustly dispossessed of their land or property. Every Maori is a member of the British Nation; he is protected by the same law as his English fellow-subject; and it is because you are regarded by the Queen as a part of Her own especial people that you have heard from the lips of each successive Governor the same words of peace and good-will." In these assertions, the Executive Government has been supported by the authority of the judges of the Supreme Court. There can be no doubt that we now claim the internal as well as the external dominion of this island; that the native people are to be regarded as subjects of the Crown of England; and there can be as little doubt that the claim which we thus make (if wisely and reasonably acted upon) is as much for their good as for ours. If they be subjects of the Crown, they must be subject to some law; for the Crown has never been regarded by Englishmen otherwise than as a power acting according to settled usage and law; but to what law?

Under the single Sovereignty of the Queen of England there are many systems of law. Within Great Britain itself, the Scottish system differs from the English; even within England itself, there are many peculiar customs or laws (such as, for example, the copyhold tenure, and the manifold varieties of local custom within that tenure) which differ from the common law of England, yet are of full force and validity within their own bounds. In our Indian possessions, divers races of men, under divers systems of law, dwell together under one Sovereign.

The original theory appears to have been this, that bloodshed was to be suppressed to that extent, at any rate the criminal law was to be enforced; but that, in other respects, the natives were to be left to their own usage. Thus much we have found in the instructions of the Secretaries of State; and it may be fairly presumed that other portions of the criminal law were to be introduced when, and so far as practicable, that property also might be protected by the Crown, as well as life.

How much further than this can we go?

8. At this point many questions arise, which connect themselves with the main subject of our inquiry. In particular, this question presents itself: How far are our lands holden by persons of the native race of these islands, according to native tenure, subject to the English rule of forfeiture to the Crown?

The case stands thus: no native can, in anyway, enforce any right of ownership or occupation of land, held by the native tenure, in the courts of the Colony. The native is excluded from the political franchise, even in cases where there is, in fact, a right of individual occupation, on the ground that his right, whatever it might be, is not in the technical sense a "tenement." The native owner receives in respect of such lands from our legal system no protection; from our political system no privilege. Is he subject to the severest penalty imposed by our system, that of forfeiture?

9. A kindred question also arises here, namely: "Is the Colonial Assembly competent to deal with such lands, the owners being excluded from any participation in the electoral franchise? How far can the Colonial Assembly lawfully exercise, in respect of such lands, a function similar to that which, undoubtedly, belongs to the Imperial Legislature, though it is in practice very cautiously and considerably exercised by that Legislature even over those who are directly represented therein—I mean the right of taking the land of the subject for purposes of national defence, or other purposes of national concern?" A like right is now claimed and proposed to be exercised by the Colonial Assembly over the lands of persons not represented therein. Moreover, it is intended (as it seems) to exercise such a power in an unlimited and discretionary way, not only for the establishment of military posts or villages, but generally for the dispossession of the natives and the location of immigrants, wherever the Government may please, within such districts as the Government may have pronounced to be in a state of rebellion. The power to take the land without the consent of the native owners is now, for the first time, claimed by the Colonial Assembly;

and



and the intention to exercise such a power is avowed, not only in cases where treasonable acts may be proved, but also in cases where no such acts may be proved. In which latter cases there is clearly no ground for asserting that the native owners have disclaimed or repudiated the benefit of the assurances so repeatedly given in the name of the Crown in all parts of the country that land should not be taken without the consent of the owners. It is material, also, to remember that no announcement of a contrary purpose was ever made until after the present troubles had arisen, and after our troops had entered on Maori land, and then it was made by the Executive Government alone, without any sanction from the Legislature or from the Crown.

10. These questions must be left to be finally settled at home. It may, probably, be found necessary to resort to the Imperial Parliament in order that they may be conclusively disposed of, so as to bind all subjects of the Crown.

Whatever be the ultimate decision on these points, it is obvious that the natives, being British subjects, cannot be in a worse position in this respect than other subjects; cannot be subject to a more strict or severer rule than other subjects. It follows, then, that the lands of the natives cannot in any case pass to the Crown, other than by some one of the modes by which the lands of a British subject may pass, as indicated in the outset of these remarks.

11. Leaving now on one side all questions of strict law, I proceed to other considerations, not to be disregarded by any reasonable man, as affecting the extent to which the rule of law, whatever it may be, should in practice be carried out; for every thoughtful man will see that the case of subjects over whom sovereignty has been acquired so recently and exercised so imperfectly, is practically very different from that of hereditary subjects of an ancient monarchy rising against a government which has been long recognised and established.

These considerations need to be distinctly stated, because they are, to many amongst us, almost wholly unknown, and because they appear to be imperfectly apprehended, even by many of our public men.

Whatever the relation between Sovereign and subject may be defined to be in this case of New Zealand, the relation must, in this, as in all other cases, be a mutual one.

If the Sovereign power has rights, it must also have duties; if the duties undertaken by the Sovereign have been fully performed, the Sovereign may claim a strict performance of the duties of the subject. If it has failed or been unable to perform them, it should deal less rigidly with its subjects.

This is a principle of natural equity, which I suppose all will admit.

This being so, let us inquire how much was done (in the interval of time to which Mr. Crosbie Ward refers in the above cited passage) by way of practical assertion of that sovereignty—by way of practical discharge of the duties involved in the undertaking to be Sovereign.

#### 4.—*Relation of the Government to the Natives generally, from 1853 to 1861.*

1. Nearly at the close of the period now under review, Governor Browne recorded his views of Native affairs in a memorandum, dated 25th of May 1861, in which I find the following statements: "Some of the most populous districts, such as Hokianga and Koipara, have no magistrates resident amongst them, and many such, as at Taupo, the Ngatiruanui, Taranaki and the country about the East Cape, have never been visited by an officer of the Government. The residents in these districts have never felt that they are the subjects of the Queen of England, and have little reason to think that the Government of the Colony cares at all about their welfare."

And further, "In New Zealand, the Government is and always has been unable to perform its duty for want of a sufficient number of agents trained and qualified for the service required of them."

And further, that "unless the Native Department be entirely re-modelled, the Government will never be able to take its proper part in establishing institutions for the native race, or obtain any real hold upon their confidence."

It happened, during the latter period of 1858 and the earlier part of 1859 that not less than three intertribal wars were going on at one time in one district of this island, the Bay of Plenty, practically, at any rate, unrebuked by the Government, a state of things which at that time was little noticed in the public papers.

2. Unfortunately, whilst the Queen's sovereignty was not manifested through the greater part of the island in the beneficial exercise of its proper function of protecting life and property, it was constantly presenting itself in all parts in the exercise of one accidental function naturally tending to produce jealousies and disputes amongst the natives and dissatisfaction with the Government.

The function of land buying (not at the best a dignified one for the Crown) had, however, been made a means of quietly extending the influence of the Government, so long as that function was exercised with great prudence and care, and with due regard to the interests of the natives. But it may readily be understood (without entering further into the subject) how different might be the effect of another sort of management. If the Pakeha was very keen to buy, and not particularly careful or scrupulous as to the mode of buying; if the inquiry made into the title of the seller was loose and scanty, and money was freely paid; it will be easily understood that there would be many Maoris found

ready to sell—not always sound titles, which all sellers are rather apt to keep to the last, but any kind of claim, however remote, or disputed, or unsound.

Many will be found who, desiring for some purpose the countenance of the Colonial Government, will be indifferent about the risk of embroiling their own people with that Government. It will be understood how by such doings as these a whole population may be disquieted and irritated to the last degree. Yet so little feeling was there in some quarters about a system which was tormenting and exasperating the natives on all sides, that this unworthy practice even acquired a jocular name. It was called “laying ground bait.”

3. I need not dwell much on the mischiefs of a system which has been practically condemned by the General Assembly in passing the “Native Lands Act, 1862;” which has introduced another mode of acquiring native lands. During the debates on that Bill (August 1862), the failure of the old system and the evils it had produced were admitted on all sides.

The Native Minister (Mr. F. D. Bell), on moving the second reading, said, “Sir, it is vain to hope that you will revive the native confidence in you by the mere offer of political institutions. You may stimulate the political activity of village runangas, but unless you can at the same time secure the attachment of the native people by some bond of common interest, and prove that this bond is the best guarantee for their own prosperity and wealth, you have done little towards bridging the gulf that separates the civilized man and the barbarian. The grievance they complain of is, that the more land they sell the more they become impoverished. This arises simply and naturally from the one great mistake we have made in always trying to give them the least price they would accept for their land, in order that we might ourselves get the greatest price we could by its sale. If you had said at the commencement that the Crown would obtain the native land on a plan to secure the advancement of the race, you would have had no distrust or dissatisfaction in the native mind; but by always buying from them on the pretence that you wanted land for the purpose of colonization, without making provision (at least in the North Island) for their own improvement, you have at last brought the natives to believe that your real object is to impoverish and degrade them.”

4. Mr. Mantell (formerly Native Minister) is reported to have said that “this Bill simply proposed to give to the natives the right we guaranteed to them by the treaty of Waitangi. Since that time we had managed to surround that ownership with so many qualifications, that *de facto* we had deprived them of any interest in those lands. This question lay at the very root of the differences between ourselves and the natives, which were the curse of New Zealand. Hitherto the negotiations of the Government for the native lands had been conducted on no principle at all. Of course the officers felt interested in making purchases as soon as possible, and for as little as possible. To that he attributed all the difficulties which now troubled us. As a Commissioner for extinguishment of native title, he soon perceived it was a very dirty business, which he would never have entered upon had he known its nature beforehand, and one which had been at the bottom of all our unfriendly relations with the natives.”

5. The effect of this course of proceeding on our part was to drive the Maories to some joint action in their own defence. What that was, I leave the Maori to state in his own words. See extracts from Renata's Letters to the Superintendent of Wellington (23 July 1861), and to the Superintendent of Hawkes Bay (February 1861), in Appendix, No. 3.

6. Arrangements had been formerly made to provide for the future interests of the native sellers, and to give them some continuing benefit out of the transfer of their lands. Even these, which should have been sources of attachment and confidence, became causes of irritation and distrust. The sellers had stipulated to receive a Crown title for those reserved portions, by virtue of which they might let those lands on lease, or otherwise dispose of them as they pleased; and promises were made by the Government to that effect.

But it happened that in numerous instances such promises remained unfulfilled during the whole period from 1853 to 1862.

In the single province of Wellington there were not less than 22 such cases. (Appendix, 1862).

Mr. Crosbie Ward has condensed into a single sentence enough to account for much of the existing distrust, and of the troubles that spring out of it.

“Promises (he says) of hospitals, schools, further payments out of the proceeds of land-sales, and other advantages, which had been made to natives when they ceded their land, were forgotten or disregarded” (page 33).

“Forgotten or disregarded,” such things might be by us, but were they likely to be so by the natives? Which party is the more apt to forget? That which is confident of its strength, or that which knows itself to be the weaker, and that its only real security is in the good faith of the stronger?

Can we wonder that when Sir George Grey, shortly after his return to the Colony, proceeded to confer with the chiefs of Waikato, and to hold out certain advantages to all who should enter into his plans, he was met by the suggestion, that there was little security for the performance of his promises; that another governor would come, and then the new promises would be disregarded, just as the old ones had been?

7. I may



7. I may notice, in passing, a point which has been occasionally put forward as a proof of our great attention to the interests of the natives, namely, the enactments passed from time to time relating to the administration of land in native cases, or native districts; I should be sorry to deny the value of some of those enactments, but it should be borne in mind that the practical operation of such of them as had been passed before the commencement of the period now under review, was, during this period, so limited as to have little effect beyond the boundaries of the English settlements; and under the Acts passed in 1858 for constituting native districts and native circuit courts, only two such districts were constituted, the Mangonui District, and the Bay of Islands District, so that those Acts had no operation beyond the northern extremity of this island.

8. Having sketched the relation of our Government or non-government, to the native population in general, I proceed to consider the same subject in reference to the two districts which have become the principal seats of disaffection and disturbance; first, Taranaki, and then Waikato. Here, as before, I confine myself to the period which has been under review hitherto, namely, the period to which Mr. Crosbie Ward has assigned (I think correctly) the causes and growth of disaffection.

##### 5.—*Relation of the Colonial Government to the District of Taranaki.*

1. In the August of 1854, a feud broke out in the neighbourhood of New Plymouth, which continued to rage for five years until September 1859. I have no intention to enter into the details of that miserable story; but it is necessary to state clearly the origin of the feud; for which purpose I will borrow the words of Colonel Nugent's Report on the subject to the Government. "From inquiry, I found that the first affray, in which Rawiri, the native assessor, one of the most respected natives of the Puketapu tribe, and six others (were killed), by Katatore, partly arose from Rawiri attempting to cut the boundary of a piece of land which he had offered for sale to Mr. G. Cooper, the Land Commissioner of the Taranaki district. It appears that Katatore had, long ago, stated his intention of retaining this land, and had threatened to oppose anyone who should offer to sell it; Rawiri, however, on account of some quarrel with Katatore, proposed selling the land, and was desired by Mr. Cooper to cut the boundary."

"Rawiri proceeded accordingly, with 22 others, on the morning of the 3d of August last, and had succeeded in cutting some part of the boundary line, when Katatore and party rushed down from his pa, and, after warning Rawiri twice, without effect, to desist, fired, and killed him and six others; four were severely wounded, and four slightly wounded."

"I fear that further bloodshed may be expected; and as, unfortunately, it has arisen about a land question, Katatore will have all the sympathy of those who are opposed to the sale of land. The relations and friends of the deceased Chief Rawiri, who are principally resident within the settlement, and who are called the friendly natives, as being in favour of the sale of land, are determined to have revenge for the death of their people."

2. Unfortunately it happened that this feud during its course was aggravated by unwise acts and violent language on the part of some of our people; a course which could only render the Maoris more apprehensive of evil to themselves, and more determined to stand aloof from us. See Colonel Nugent's Despatch, dated 20th September 1855—(Parliamentary Paper, July 1860, p. 143.)

3. In a letter written a few days after that date, Mr. Riemenschneider (a minister of the Lutheran Church, resident in the midst of the Taranaki tribes), reported to the Native Secretary the state of feeling among the natives of his district. He stated that "any intervention by military force in the feud would be generally viewed as the first step in a general and grand movement on the part of the Government to dispossess the natives by physical force of their inherited soil; which if once permitted by the latter to be successfully entered upon by the former, would most certainly be proceeded with, and be carried out through the whole length and breadth of the island, until every inch of land would have passed away from the native owners into the hands of the Europeans, and the aboriginal inhabitants of the country themselves would have been totally exterminated."

"Thus fully (he adds) the whole case has repeatedly been argued before me, during the last fortnight, by the natives in the Taranaki District, and there can be no doubt that they are in earnest about it.

"The most sober and quietly disposed amongst them declare, in a manner not to be mistaken, that they will rise, because they feel convinced that it will be necessary for the defence and preservation of their life, liberty, and possessions, against a system of violence and oppression threatening them and theirs."

4. From that time until July 1859, the deadly feud was going on. In the course of this time, in the month of January 1858, Katatore himself was waylaid and murdered. This was a murder of revenge, and one which we might have punished, without seeming to be fighting for a piece of land. Still the Government refrained from interfering, beyond issuing a proclamation in the following month, February 1858. That proclamation warned the natives against assembling with arms within the boundaries of a certain district. The proclamation was accompanied by an official comment in the Maori Messenger,

which after explaining the reasons of our non-interference, proceeded thus:—"While indulging this hope, we are startled by the news of another and more frightful murder. Blood is spilt on land which the Queen has granted. This cannot be allowed to pass in silence. The Governor has therefore spoken his word. He still says, 'I shall not interfere. Both parties are doing wrong, but it is not my present intention to employ force against either, while they keep outside the limits of the English settlement, but I will allow neither to come armed within these limits. I will not permit fighting in my presence.'"

5. The effect of this state of things on the natives may be gathered from the letter of Ritatona Te Iwa. See Appendix, No. 4.

The consequences of these continued troubles were most disastrous to the native interests. The Ngatiawa tribe had been one of the most industrious and thriving in New Zealand. "In 1854, William King's tribe possessed 150 horses, 300 head of cattle, 40 carts, 35 ploughs, 20 pairs of harrows, 3 winnowing machines, and 10 wooden houses" (Dr. Thomson, New Zealand, vol. 2, p. 224.) In 1858 most of these indications of prosperity had passed away; fragments of threshing machines were seen lying among the ashes of a burnt pa; oxen lying dead between the hostile encampments, cultivations abandoned, and fences broken down.

6. Thus, then, it came to pass that through five years of deadly strife, the Queen's sovereignty was never manifested by act.

There was nothing to show that it was a reality; a power able and willing to protect life or property. In saying this, I have no intention to cast blame upon any one. It would be an ill use to make of our present troubles to find in them means for assailing the characters of public men. In fact, all such considerations would lead us away from the point to which alone I am looking, which is, not the comparative merits of our public men in our eyes, but the way in which our Administration, taken as a whole, must have presented itself in the view of the natives.

All that I wish to be noticed and remembered is the fact itself. These were the very cases which, in the beginning of our colonization, had been specified by the Secretaries of State, as cases in which the Colonial Government would be bound to interfere. When the time came the Government did not interfere. Let us not therefore criminate men who endeavoured to do the best under very difficult circumstances; who did not interfere only because they did not judge it possible to interfere with effect, and who therefore acquiesced in a state of things which was a great calamity for both races. At any rate, we did not act. If so, let us honestly admit that to have been the case. Let us not go on tacitly assuming, or even broadly asserting, that we have throughout fully performed our part. Let us avow, that the work we have undertaken in the beginning was, after a time, found to be a larger and more arduous work than we had supposed, and that we did, in fact, give up the attempt to perform it. Let us not take a one-sided view of the case. Let us not ignore the fact that the power of the Queen's sovereignty was not exerted for the benefit of these people. Can we, then, in the name of the Sovereign, enforce against them the extreme obligations of subjects? Can we visit them with the heaviest penalties for disregard of an authority which has not itself fully performed its own undertaking?

I dwell on this point because of a fallacy very current amongst us at this time. Much is said and written about re-establishing the Queen's authority or the authority of law throughout this island; whereas, the truth is that, in the greater part of this island, the Queen's authority has never at any time been established in any real or practical sense.

7. To resume my sketch. The feud at last wore itself out, and peace was made between the tribes. A few months after that, military force was employed at the Waitara, in a case unconnected with crime. The Queen's power, which had not interfered to save men's lives or their property, did interfere to take possession of a piece of land. When military operations ceased at the Waitara, the Government retained possession of the land which had been occupied by the soldiers outside the disputed block, announcing, at the same time, an intention of restoring it to the native owners, subject to certain regulations. That outside piece has, in the issue, bred even more trouble to the Colony and to England than the original block itself. The original block had, at any rate, been occupied under a claim of purchase; but the retention of the land outside of that block, the southern tribes (and other tribes too) appear to have regarded as an indication of the purpose of the pakeha to take land by force. So, out of the English land which they had occupied in the course of the hostilities, they retained possession of the portion nearest to them, namely, the Tataraimaka block. This was the state of things in the Taranaki district, at the close of the period now under review.

#### 6.—*Relation of the Government to Waikato.*

1. During that unhappy period of fierce intertribal warfare at Taranaki, the king movement was growing up in Waikato. The authors of it "expressed no disaffection towards the Government, but urged the necessity of maintaining peace, order, and good government in the country; which, they argued, the Governor was unable to do. 'I want order and laws,' Thompson said; 'a king could give these better than the Governor. The governor never does anything, except when a pakeha is killed. We are allowed to fight, and kill each other as we please. A king would end these evils.'"

Paora



Paora said, "God is good: Israel was his people; they had a king. I see no reason why any nation should not have a king if it likes. The gospel does not say we are not to have a king; it says, 'Honour the king; love the brotherhood.' Why should the Queen be angry? we shall be in alliance with her, and friendship will be preserved. The Governor does not stop murders and fights among us; a king will be able to do that. Let us have order, so that we may grow as the pakeha grows. Why should we disappear from the country? New Zealand is ours; I love it."—(Buddle King Movement, page 9). To all, Taranaki appeared to furnish an obvious proof of the truth of what was urged by the leaders of the movement, and of the necessity of making some effort to save themselves.

2. In the month of April 1857, Governor Browne visited the Waikato district. On the 9th of May he reported to the Duke of Newcastle the result of his observation of the state of things. "It was clear that they (the natives) did not understand the term 'king' in the sense in which we use it; but although they certainly professed loyalty to the Queen, attachment to myself, and a desire for the amalgamation of the races, they did mean to maintain separate nationality, and desired to have a chief of their own election, who should protect them from every possible encroachment on their rights, and uphold such of their customs as they were disinclined to relinquish. This was impressed upon me everywhere; but only on one occasion at Waipa, did any one presume to speak of their intended king as a sovereign having similar rank and power with Her Majesty; and this speaker I cut short, leaving him in the midst of his oration."

"The objects of a large section of the natives were distinctly expressed at the great meeting at Paetai on the 23d April 1857, at which the Governor was present, and at which it was understood by them that His Excellency promised to introduce amongst them institutions of law, founded on the principle of self-government, analogous to British institutions, and presided over by the British Government." "I was present," says the Rev. Mr. Ashwell, referring to that meeting, "when Le Wharepu, Paehia, with Potatau, asked the Governor for a magistrate, laws, and runanga's, which he assented to; and some of the natives took off their hats, and cried 'hurrah'" (Report of Waikato Committee, 1860, p. 2).

In the proposal then made and accepted lay all that we could desire. It needed only to be heartily and wisely followed up to secure to the Government the guidance and control of the whole movement.

3. Nor did the chiefs of Waikato make only general proposals. They invited co-operation also on specific points. Amongst other things they had set themselves vigorously to check drunkenness amongst their people; and with no small success. There was, in fact, a marked and painful contrast in that respect between the state of the central district under its own management, and that of the northern under ours. Fines had been levied to a considerable amount, about 110 £, but only, as far as Mr. Gorst could ascertain, from persons who had expressly agreed to be bound by the system. An old man, the treasurer of the fund, brought the money to Auckland, and desired the Government to keep it safe until the use to be made of it should be determined. The chiefs found themselves hampered in their proceedings by the fact that the pakehas resident in the district could not be restrained by them from selling spirits to the natives. In consequence, in July 1859, letters were sent from Waikato to Auckland praying the Government to put a stop to the importation and sale of spirits in Waikato. Amongst the signatures (more than 400) were the names of Thompson, Matutaera, and the leading men of the king party. The native department, the responsible ministers, and the Governor, agreed in thinking that the thing could be lawfully done, under the Native Districts Act, 1858, and that it ought to be done. Accordingly answers were sent to the effect that the request should be complied with; but nothing further was done. In November 1861, Mr. Gorst, who had been appointed resident magistrate of the district, becoming acquainted with the matter, urged the chiefs to write to the Government, which they declined to do, saying they had been deceived, and that it was useless to write. Upon this Mr. Gorst, supported by William Thompson, applied to the Government, and the desired Order in Council was made (16 December 1861), but the grace and the political benefit of the co-operation had been lost.

4. During the Waitara troubles Thompson did his utmost to prevent his people from taking any active part in them, but in vain. After a time he was induced to proceed himself to Taranaki and to withdraw the Waikatos; which he succeeded in doing, hoping thereby to terminate the strife. Thereupon the Government took advantage of his success to withdraw the troops from Taranaki, and to transfer them to the Waikato. Upon this Thompson was exceedingly sore, and even began to suspect that the friends whose advice he had followed had joined in misleading him.

Then came the manifesto addressed to Waikato, in May 1861, the details of which it is unnecessary to consider. The substance of it was a demand that the natives should make at once an unreserved surrender of all they had done for themselves, and be content to receive in exchange vague assurances of some good to be done for them hereafter by a power which had, up to that time, done next to nothing, and in whose promises they had ceased to trust.

The result was, what such a document could not but produce at such a time and in such a state of men's minds, an increased bitterness and exasperation.

7.—*Our present Position and Policy.*

1. If we could put ourselves in some degree in the place of the Maori, and regard from his point of view the course of things which I have briefly reviewed, we should have less difficulty in understanding how it is that amongst a people, not less shrewd than ourselves, there has grown up a conviction that our policy is selfish and one-sided and that their only safe course is to have as little as possible to do with us beyond trading in our markets.

That much good work has been done for the benefit of this race no Maori would deny, though he would probably attribute it as much to the religious bodies as to the Government. But good work of one kind which has been done cannot supply the place of good work of another kind which has been left undone.

Schooling cannot be a substitute for material comfort and wealth. They are not attached to our system, because it has presented so little to be attached to. It has secured to them no permanent and substantial share of the benefits of our colonization.

2. How important this consideration is,—how much might have been effected by a fairer and less selfish course of proceeding on our part, may be inferred from facts before our eyes. If we see that a part of the natives, who by virtue of irregular and illegal contracts with the settlers have become possessed of wealth, are thereby led to value a connexion with the Pakeha, and to trust his promises, and (though naturally not without a certain sympathy with their countrymen) are indisposed to take any active part in the quarrel; such a result ought to lead us to see and allow for the defects of our old system, and to take a more considerate view of the case of that larger portion of the native population which, by not disobeying our law, has been shut out from the sources of material prosperity and contentment. Thus, too, the Government has failed to provide for itself that "material guarantee," of which we hear so much just now, in its only trustworthy shape; the same guarantee as all good and wise Governments trust to, namely, the wealth and prosperity of their subjects.

3. Let us honestly ask ourselves these questions:—How far is the loyalty of Englishmen to their Government connected with a sense of the benefits secured to them by that Government? How long does the loyalty of any European nation last towards its Government, however ancient and venerable, when that Government has ceased to secure those substantial benefits to its subjects?

At last we have made an attempt to retrieve our position by the "Native Lands Act," an Act which, if wisely worked, will necessarily and almost imperceptibly make us masters of the country, whilst it will benefit our subjects.

But this measure had not come into operation when the present troubles began.

I should not have spent many words on this point, but for the language which is often heard, and which is used with evident honesty by many ill-informed people amongst us. Why should the Maories distrust us? it is asked. In return, it may be asked, "Is not a distrust of the wielders of power one of the most habitual feelings amongst ourselves?" What is our whole system,—House of Commons, trial by jury, municipalities, newspapers,—but one elaborate manifestation of this feeling? How can we expect the New Zealanders to be free from it towards the strange race, whose power they see to be so vast, and of whose disposition towards themselves they feel so little assured?

From acts and omissions of the Government, from translations of local papers, from the words and demeanour of private persons, they form the best estimate they can of our intentions. We may be sure the persuasion or misgiving is real and deep which leads men with few rifles, without bayonets, and without artillery, to stand up in opposition to our power.

4. The declaration made by the Governor at Taupari, soon after his return, that the name of the Maori King should not be made a cause of war, greatly diminished the excitement of the native mind.

The "face-to-face" policy, the practice of open conference and free discussion, effected much in the way of restoring confidence. But as there was no disapproval expressed in the name of the Queen of the doings at the Waitara, no pacification or amnesty, there remained in the minds of many a suspicion that the new Governor was to carry out what they regarded as the new policy of the Colonial Government, only with more of preparation and plan.

5. Still there was no actual outbreak, or (so far as I know) symptom of an outbreak, until the resumption of our land at Tataraimaka, when Rewi and his section of the Maniapoto determined to renew the war. If I am rightly informed, he came with his followers into central Waikato, and proposed to the tribes there to join him in an attack on the fort at the Ia, as a beginning of the renewed conflict, which they, or at least the majority of them, declined to do. So he was forced to abandon that plan. Shortly after that our troops, in apprehension of an attack, which was no longer contemplated, crossed the Mangatawhiri into Waikato.

6. Though these two years have not saved us from another civil war, yet they have made a material change in our position for the better. We are stronger, because we are avenging bloodshed; and the Waikato confederation is weaker, because it has become plain



plain that the so-called king is (as Thompson recently called him) "a dumb king," who has no power to rebuke evil-doers, and to prevent crime; and also that the whole affair of the kingship is likely to lead to nothing but trouble. The Maories generally believed their countrymen to be wholly in the right in the former contest. There is no such general conviction now. Public opinion is a great power amongst the Maories as amongst ourselves. This conflict has not been desired or brought about by the Maori race, but by a small and turbulent minority chiefly belonging to one tribe.

7. To sum up the whole, our local adversary is Rewi, and his section of the Maniapoto; together with so many as by a variety of reasons are induced to join him; our general adversary is the distrust, so widely spread in the mind of the native population. What Mr. Gorst wrote in June 1862 is equally true now.

"The Maori king is kept up by a feeling of distrust and opposition to the English Government; but it is the existence of this distrust, not its manifestation in the form of the Maori king, that is dangerous. Even if the Maori king had never been thought of, the moment that a question arose which brought the interests of one race into prominent antagonism with those of the other, some sort of organization must have been invented to give unity to the Maori side; it is hardly possible that anything could have been invented weaker than the king. As it was, the king, being already in existence, was seized upon for the purpose, and has grown to his present dimensions and formidable aspect subsequently to, and I believe in consequence of the Taranaki war. This danger is a formidable one, but would not be removed by the destruction of the king, though his being voluntarily abandoned by the Maories would be a sign that it had ceased to exist. To secure safety, we must cure the disease, not stop its symptoms; we must remove the distrust, not Matutaera."

I regret that Mr. Gorst is not now in the land, as I know that he would be able to testify, after seeing Waikato in both the better and the worse mood, to the reality and depth of the fear and distrust there entertained as to our purposes, and to his conviction of the readiness with which they would accept our law, if only they could feel it safe to do so.

8. What then is our tone and fitting policy, whereby we may overcome not only our local but our general difficulty? If it be true, and a deliberate review of the whole connexion between the two races forces me to believe it true, that the natives have not fallen short of their part in the original contract more than we (who understood it better) have of ours; that they have not, as a nation, sinned more against us than we, the superior and protecting power, have against them; if this be so, then the course which it becomes us to take is plain.

After proving the extent of our power, and the folly of resistance on their part, it will be our business to show that we intend to use that power, neither vindictively nor selfishly, but as becomes a great, generous, and Christian nation; a nation which is enlightened enough to see in the distrust of an intelligent people an indication rather of its own shortcomings than of their infatuation, and is more willing to reform its administration than to destroy its subjects.

9. Every plan which may be proposed for terminating our present troubles must be estimated by its fitness to secure the end, which all alike profess to aim at, or rather, I should say, to open a way by which that end may be reached. For that which all acknowledge to be the real end, namely, the establishment of law and order throughout this island, the substitution of a willing obedience on the part of the natives in lieu of the present distrust and fear, is obviously one which cannot be reached by war, but only by wise legislation and careful administration after the war. No policy which shall leave behind it the seeds of another civil war, which shall tend to augment instead of removing distrust, can be the true policy for us. Solely by its fitness to secure this great end, and not by any reference to local or limited interests, must every proposed policy be judged.

Nor must we measure our policy by reference to those natives only who are now in arms in Waikato, but to all who in all parts of the island are watching for the issue of this contest, and endeavouring thereby to discern our real motives and purposes. If, at the close of the present conflict, the Government shall retain not only such lands as it shall be judged necessary to hold as military positions, in order to secure the Colony against like troubles hereafter (and that upon payment of proper compensation in cases where the right to compensation may not have been legally forfeited), but if we also proceed to seize land for other purposes, and for such purposes oust from their lands persons who have done us no wrong, it is to be apprehended that we shall appear to be breaking our promises as soon as we are strong enough to do so, and to be making the punishment of crime and the establishment of law a pretext for getting land; and if so, that we shall be sowing the seed of fresh troubles, and shall not be brought by all this burdensome and costly war to the attainment of our great end.

It is often urged that the natives ought to be made to pay the cost of this civil war. However applicable such a principle may be to the case of an ordinary war between two independent nations, it does not appear to be applicable to the case of the present civil war, or to the peculiar relation subsisting between the Queen and her native subjects. We, before the world, and to the natives themselves, avowed that in establishing British authority in New Zealand, we had for our object (in part at least) the benefit and advancement of the native race. A great nation voluntarily took upon itself a sort of guardian-

ship over a small and uncivilised nation. Under such circumstances, it appears to me to be for the honour of England to avoid even the appearance of being actuated by self-seeking motives.

10. A former Native Minister (Mr. Richmond) stated his opinion as to the policy to be pursued in native affairs in these words: "The fears of the natives can be calmed, and the peace of the country secured, only by a policy which sincerely seeks not theirs but them." That was a fine application of the apostolic words. Moreover it was, I firmly believe, a correct statement of the only policy which can heal the troubles of this island; but the policy so recommended bears no great resemblance to that which we are now invited to enter upon. Let us bear in mind that the whole train of events of late years has not appeared to the Maories to show such a disposition on our part, as Mr. Richmond's words express, but the contrary, that, if it is to be shown at all, this is our opportunity.

11. Even yet we have not gained the position which we claimed for ourselves in the beginning. We are not yet asserting for the Queen her true position as the equal and impartial judge and avenger of all crimes committed in the land, but we are avenging a crime against the Pakeha, and one which is not unconnected with the late strife. Yet, though our present position is not all that it should be, it is our wisdom not to throw it away, but rather to make it a step towards something better. We have already damaged it by our indefinite threats of seizure of land. But the natives in this, as in other cases, will look to what we really do in the end, more than to what we now talk of doing; to our deeds more than to our words.

12. It should be borne in mind that, whatever may be decided at home to be the liability of the native landowners, no law on the subject has ever been laid down in the Colony. That the first intimation of an intention to take land was given in the Proclamation, which was dated on the 11th of July last, but which was not actually published to the natives until the 14th, our troops having entered the Waikato territory early on the morning of the 12th.

13. The example of Ireland may satisfy us how little is to be effected towards the quieting of a country by the confiscation of private land; how the claim of the dispossessed owner is remembered from generation to generation, and how the brooding sense of wrong breaks out from time to time in fresh disturbance and crime.

If we really succeed in attaining our great object in preparing the way for law, and so converting the nominal sovereignty of the Queen into a reality, such a change in our circumstances will be an equivalent for a very considerable cost.

14. Moreover, it is just and right to discriminate between the various sections of the Waikato population, who are at this moment in arms, and to inquire whether the rebellious or treasonable character is to be imputed to all alike. This is to be done, as a matter of course, in dealing with any subjects of the Crown; but it becomes in this case especially necessary, from the habit so common amongst us of confounding the various sections of the population, which occupies the region of the Waikato and Waipa, under one common name of Waikato. The real source of our troubles is in the tribe of Maniapoto, especially in that section of the tribe of which Rewi is the chief, whose proper district lies near the head of the Waipa, about abreast of Kawhia; amongst the natives themselves that tribe is sometimes included in Waikato, by reason of a common descent from the same ancestors; sometimes distinguished from Waikato, as not being locally settled on that river. The turbulent and violent members of this tribe appear to have controlled the puppet king, and over-borne all the remonstrances and efforts of Thompson. The latter, though he certainly does not trust us, and is now forced to support the king that he set up, has always endeavoured to keep the peace, and to borrow our laws and usages, yet so as to keep aloof from the Government. Probably the king party counts amongst its adherents the very worst and the very best of the whole native population; both conceited and wilful men, who have courted a conflict with the English power, and men who heartily desire and seek after union and peace. The sense of nationality and the common distrust, combine them against us now.

15. As to the population of the middle or lower Waikato on this side of Taupiri, I suppose it may be safely said that the majority, however little attached to our rule, had always endeavoured to live at peace, and avoid a collision. Unless I am greatly misinformed, they had, just before the commencement of the present troubles, given the best proof of such a disposition, by refusing to support Rewi in his proposal for attacking the troops at the Ia. If so, that was a clear proof that the majority (at any rate) did not intend to "levy war" against the Queen, inasmuch as they actually prevented Rewi from doing so in their district. If when, immediately after that, our soldiers entered that district, they then stood up to resist what they would deem an invasion, we can fairly account for their so doing, without imputing to all of them that treasonable purpose which (at least as to the majority) their recent conduct had disproved.

16. It should be remembered that the proclamation announcing the purpose of the Government in entering on their land, came after the entry of the troops on their land; and that even when it came, there was much in the claim it put forth, namely, a claim to take such land as the Government might choose, without any mention of quantity or compensation, which was likely to alarm and excite them. If those men, after giving the  
best



best proof of their intention not to "levy war" against the Queen, yet seeing their territory entered by an armed force, and property destroyed by that force, stood up to resist; ought we not in fairness to conclude that they resisted, not because they were traitors, but rather because they were New Zealanders, or because they were men.

17. Nor are we yet, so far as I can discover, in a position to impute any traitorous purpose (as is commonly done) to the whole population of the native villages between Auckland and the Waikato, which was ejected under the proclamation of the 9th of July. It should be remembered, that the tendering of an oath of allegiance was coupled with a demand to give up their arms, not a word being said about a future restitution of those arms, or even compensation for them. It should also be remembered that our troops were directing their march across their district towards Waikato at the same time. The summary dispossession of several hundreds of persons in winter time, can only be regarded as a military proceeding deemed to have been rendered necessary by the emergency. It will need to be covered by an act of indemnity. Those who declined to give up their arms were directed by the terms of the proclamation to retire to Waikato beyond Mangatawhiri. This proclamation was issued on Thursday evening. On the next Sunday morning the general crossed the Mangatawhiri. If in the freshness of their alarm and exasperation, many of the men joined their kinsmen, who had already risen to oppose the entry of the troops on their land, can we pronounce their act to amount to a "levying of war" against the Queen's authority, in the sense in which those words are used by our law of treason? If it were possible for such troubles as these to occur in England, would these several classes of men be all alike convicted as traitors in an English court, and all alike punished as traitors by an English Government?

18. We are now at the commencement of a new system of management in native affairs. There has been something anomalous in the first start; a Government in which the assembly has so large a part, should be from the nature of the case a Government by law; yet proclamations have been put forth wholly unwarranted by law. The Executive Government has claimed to exercise powers which neither the law of England nor of the Colony, had conferred on it. Let us regard them as military and extraordinary measures, and let us for the future see that in an adherence to the law of England is our only strength and safety. The Crown can act on no rule but that which is furnished by the law and usage of England, and nothing could be more unreasonable or unseemly than that we, whilst seeking to bring the native people to accept our system, should be ourselves departing from it, violating the very law of which we are the professed upholders and champions. In fact, if we do not hold fast to this principle, there remains no limit to the extent of extravagance to which in the present excitement, the minds of men may be carried, so as to forget not the mere form of law, but even those fundamental principles of fairness and equity, which lie at the foundation of our English law, and of our whole English system.

19. A few words may be proper with reference to the general drift of the preceding statements. It may be said, with some show of truth, that this is a one-sided statement; it is in some sense one sided, it is the setting forth of that side of the question which is constantly dropped out of sight, while the other is made as prominent as possible; yet if ever we are to see our way to a policy that shall heal the troubles of this island, we must consider both sides; our policy must be fitted to the facts as they are in truth, not as we may desire them to be.

If I speak of these things, it is not because I have any pleasure in speaking of them. As an Englishman, and for many years a servant of the Crown, I can have no feeling about these things, but one of sorrow, if not of shame; yet it is necessary to speak, because our people are as apt to forget these facts as the natives are to remember them. I know how ignorant the larger part of our population is of the history of the Colony; how little they in general possess of that personal acquaintance with the natives which would enable them to discover how abundant is the material for good in these people, with all their mistrust and stiffneckedness. I know how many misleading influences are at work; how the crimes committed on the Maori side are set forth, whilst crimes committed on our side pass unrecorded; how many persons in their ignorance readily accept the current misstatement, that native disaffection is only to be accounted for by a sort of infatuation or judicial blindness.

20. In truth, I am far from regarding this subject from one point of view only. The true interests of both races are inseparable. I see the risk of our entering upon a course of policy, which, if adopted, will, I believe, entail upon us a chronic mouldering war, attended with heavy loss and demoralisation to our real settlers, ill compensated by the increased wealth of a few capitalists in our towns, and which will, if persevered in, deprive this island of all attractions in the eyes of the better class of English immigrants.

I know the time has come when the folly of Waikato should be checked, and crime be punished; yet so checked and so punished as may become a Government which has not fulfilled its own purpose, nor performed its own duty; as may become a Government which will not accommodate itself to supposed local interests, or narrow views, or popular clamour; but will look straightforward to that which, being just and reasonable, will in the end secure the real interests of all the Queen's subjects, within these islands. Let us so act, and we shall prove ourselves worthy of the power which England has entrusted to us.

## APPENDIX, No. 1.

"THE Supreme Court of the United States, in the case of Worcester, reviewed the whole ground of controversy, relative to the character and validity of Indian rights within the territorial dominions of the United States, and especially in reference to the Cherokee nation, within the territorial limits of Georgia. They declared that the right given by European discovery was the exclusive right to purchase, but this right was not founded on a denial of the right of the Indian possessor to sell. Though the right to the soil was claimed to be in European governments as a necessary consequence of the right of discovery and assumption of territorial jurisdiction, yet that right was only deemed such in reference to the whites; and in respect to the Indians, it was always understood to amount only to the exclusive right of purchasing such lands as the natives were willing to sell. The Royal grants and charters asserted a title to the country against Europeans only, and they were considered as blank paper, so far as the rights of the natives were concerned." (*Kent's Commentaries*, p. 383.)

"The decision of the Supreme Court of the United States was not the promulgation of any new doctrine, for the several local governments, before and since our revolution, never regarded the Indian nations within their territorial domains as subjects, or members of the body politic, and amenable individually to their jurisdiction. They treated the Indians within their respective territories as free and independent tribes, governed by their own laws and usages, under their own chiefs, and competent to act in a national character, and exercise self-government, and, while residing within their own territories, owing no allegiance to the municipal laws of the whites. The judicial decisions in New York and Tennessee in 1810 and 1823, correspond with those more recently pronounced in the Supreme Court of the Union, and they explicitly recognised this historical fact, and declared this doctrine. The original Indian nations were regarded and dealt with as proprietors of the soil which they claimed and occupied, but without the power of alienation except to the governments which protected them, and had thrown over them, and beyond them their assumed patented domains. These governments asserted and enforced the exclusive right to extinguish Indian titles to lands, enclosed within the exterior lines of their jurisdictions, by fair purchase, under the sanction of treaties; and they held all individual purchases from the Indians, whether made with them individually or collectively as tribes, to be absolutely null and void. The only power that could lawfully acquire the Indian title was the State, and a Government grant was the only lawful source of title admitted in the courts of justice. The Colonial and State Governments, and the Government of the United States, uniformly dealt upon these principles with the Indian nations dwelling within their territorial limits."—(*Ibid.* 385.)

## APPENDIX, No. 2.

[Parliamentary Paper, 8 April 1840.]

"ON the other hand, the Ministers of the Crown have been restrained by still higher motives from engaging in such an enterprise. They have deferred to the advice of the Committee appointed by the House of Commons in the year 1836, to inquire into the state of the Aborigines residing in the vicinity of our colonial settlements; and have concurred with that Committee in thinking that the increase of national wealth and power, promised by the acquisition of New Zealand, would be a most inadequate compensation for the injury which must be inflicted on this kingdom itself by embarking in a measure essentially unjust, and but too certainly fraught with calamity to a numerous and inoffensive people, whose title to the soil and to the sovereignty of New Zealand is indisputable, and has been solemnly recognised by the British Government."

Again: "to mitigate, and if possible, to avert these disasters, and to rescue the emigrants themselves from the evil of a lawless state of society, it has been resolved to adopt the most effective measures for establishing amongst them a settled form of Civil Government. To accomplish this design is the principal object of your mission."

Again: "The Queen, in common with Her Majesty's immediate predecessor, disclaims for Herself and for Her subjects every pretension to seize on the islands of New Zealand, or to govern them as a part of the dominion of Great Britain, unless the free and intelligent consent of the natives, expressed according to their established usages, shall be first obtained. Believing, however, that their own welfare would under the circumstances I have mentioned, be best promoted by the surrender to Her Majesty of a right now so precarious, and little more than nominal, and persuaded that the benefits of British protection, and of laws administered by British judges, would far more than compensate for the sacrifice by the natives of a national independence which they are no longer to maintain, Her Majesty's Government have resolved to authorise you to treat with the aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any parts of those islands which they may be willing to place under Her Majesty's dominion."



Letter from Lord Glenelg to Lord Durham (*ibid*, p. 148).

"THE intelligence which Her Majesty's Government has received from the most recent and authentic sources, justifies the conclusion that it is an indispensable duty, in reference both to the natives and to British interests, to interpose, by some effective authority, to put a stop to the evils and dangers to which all those interests are exposed, in consequence of the manner in which the intercourse of foreigners with those islands is now carried on."

"2. The proposal made by the late Parliamentary Committee on Aborigines, appears inadequate to meet the existing evil, and the repression of practices of the most injurious tendency to the natives of New Zealand can, as it would seem, be accomplished only by the establishment of some settled form of government within that territory, and in the neighbourhood of places resorted to by British settlers."

## APPENDIX, No. 3.

*Renata to Dr. Featherstone, 23 July 1861.*

"THE cause of the Maori setting up his king, was because of the evils arising from the sale of the land of the Maoris, for it was sold by single individuals without the consent of the majority. Hence arose the present difficulties in the eyes of the Runanga, and not from the setting up of a Maori King to fight against the Queen. Nothing of that kind was intended."

"To return to the men who sell the land by stealth to the Governor; he should have seen the fault and condemned it, so that I might have left it for him alone to redress the wrongs of the Maori; instead of which, your servants go and accept the dishonest offers of the Maori, which encouraged him to go on stealing lands, and then the Maori thought of setting up his King to investigate my (the Maori's) own wrongs. This meeting has arrived at this conclusion: if this work of making a king is a Maori device, it will pass away of itself. Friends, leave the King of Aotea alone, and he will disappear of himself."

"But do you initiate something good for us both; in order that evil may be ashamed, and that good works may destroy the evil deeds of evil-doers; for evil will never be put down by guns, powder, and balls."

"It was the wrongs that we suffered at the hands of you Pakehas, that drove the Maori to the Maori King, as a man is driven by rain, or wind, or cold, into a house; it may be a hut of reeds, a house full of fleas, or ever so bad a house, still he will stay in it until a fine day shines forth, and then he will come out. Man should be led; if you drive him, it will not do; look at this, was it by being driven that my Maori forms of worship were abandoned by us? it was by being drawn into the practice of good works, and that is how I come to be in this beautiful house, the church; therefore, address yourself to the evils of the sellers by stealth of my lands, and cure these, as a good work, from which I may see that you are roofing in a good house, and that there is no deception intended, and then all will be well."

*Renata to the Superintendent of Hawkes Bay, February 1861.*

"You appear to suppose that by getting hold of a single individual you can gain an advantage over him. Hereafter, whenever the majority consent to a sale, it shall take place. Let us have no more blundering; all our troubles have arisen from faulty working, and on this account it was that the door of land-selling was shut; but when the system of buying is amended, the door will be opened, that sales may be conducted on a regular plan."

"And who was the cause of this? A man goes up to Auckland, and there sells the land; and the first thing the owners hear about it is that the land is gone. Others went off to Wellington, and there sold; and the first I heard of it was that my own place, Okawa, was gone, and several others the same."

## Appendix, No. 4.

*Ritatonu te Iwa to Riwai and others (from the translation of Archdeacon Maunsell, printed in 1861).*

March 4th, 1858, Waitara.

"To Riwai, Kiripata, Wiremu Tamihanna, Apa, Ture, Wiri, Tei, and Hohepa, to you all; greeting, to you. My friends, my fathers, listen! Here we are involved in warfare; that is to say, in grievous, murderous, cannibal, bloodthirsty calamity. In this very grievous calamity, listen! You are probably imagining that we are going blindly to work. It is not so, but we are proceeding on a clear course. What makes it clear is this, that as far as regards the reference to the Governor, that has been done. As for murder, we have no intention of murdering; we leave murder to Ihaia and Nikorima. Our chiefs will act in broad daylight, and indeed they are acting now in broad daylight. As regards the

reference to the Governor, that has been made by the chiefs. You have already heard that Waitere (Katatore) was killed on the 9th day of the month of January. We had to wait till February for the Governor's answer. The answer came, that the Governor could take no steps in the matter; but let there be another murder, then the Governor would consent. Hence our chiefs concluded that the course taken by the Governor was wrong, because this is Ihaia's second murder. The words of the former Governor are not attended to now; for steps were taken in the case of the quarrel with Rangihæata, at the Hutt, on that occasion promptly. In the case of this murder, no steps are taken."

### Enclosure 3, in No. 1.

Encl. 3, in No. 1. MEMORANDUM by the Colonial Secretary, on Sir W. Martin's "Observation on Proposal to take Native Lands, &c."

I HAVE carefully read Sir William Martin's able and elaborate paper. His main aim appears to be to show that a general or even extensive confiscation of the lands of the natives who have engaged in rebellion, would be beyond the power of the General Assembly, and would be unjust and inexpedient. There is much in Sir William's argument from which I am not inclined to dissent, and many of his premises may be admitted more or less unreservedly. But I cannot concur in the conclusion at which he has arrived.

The subject is not one which can be regarded by the Government of this Colony as a mere abstract question. We have to deal with a people in actual rebellion, the largest and most powerful tribes being openly committed, and three-fourths of the whole Maori population sympathising, to an extent which renders the enforcement of law by the ordinary tribunals exceedingly difficult, and as regards large sections of the race, absolutely impossible.

The magnitude of the emergency is such as to require the active operations of nearly 10,000 British troops, supported by five men of war, and 9,600 men of the Colonial forces. A portion of the Province of Auckland, 40 miles wide, by 20 deep, has for six months past been desolated and rendered uninhabitable by the inroads of the rebels, which have extended to within 15 miles of the capital; a very large amount of property, representing the investment and industry of 20 years, has been destroyed; unarmed men engaged in peaceful occupations, and women and children, have been massacred in cold blood; while the whole Northern Island is kept in a condition of insecurity and alarm, destructive of its prosperity, and almost absolutely putting a stop to its colonization.

The problem to be solved by the Government, is not merely how to put down the existing rebellion; it is of no less consequence to prevent its recurrence. Experience has proved that mere military defeat has little more than a temporary effect on the Maori, and that as soon as he has had breathing time, he is ready to renew hostilities, by which he loses little or nothing, but gains much plunder, and inflicts ruinous loss on his ultimately victorious opponents. There are only two methods by which periodical outbreaks can be prevented; one, the continued maintenance of a large military and naval force, such as at present is provided by the Imperial and Colonial Governments, and which converts the Colony into a camp; the other, the introduction and settlement of so large an European population, as may render insurrection hopeless in the eyes of the natives, and easily repressible, should they be mad enough to attempt it. To secure this end, population must be introduced into those districts now sparsely inhabited by the rebels, and from which they make their inroads into the settled districts; and it is only on the lands of the rebel tribes, at least in the province of Auckland, in which it can be so established. The Government proposes to confiscate (that is to take without compensation) no lands except those of which the owners have been engaged in open rebellion, or actually aiding and abetting it by overt acts. The law recently passed by the General Assembly does not enable the Government to confiscate any lands but these. It is true it enables the Government also to take other lands, whether those of Maories or Europeans, for public purposes; such as the establishment of military villages, or the like, on paying full compensation, to be assessed by a legally constituted tribunal. This is in accordance with a principle of constitutional law, which vests such a power in the supreme authority of every civilised people.

The idea of confiscation of land is not new to the Maori race, nor in any way abhorrent to their moral sense. It has for centuries been the law of the victor among themselves, accompanied by the reduction into slavery of the conquered tribe; and whether viewed as a punishment for rebellion, an indemnity for the cost of its suppression, or a material guarantee for the future, it seems to be based on principles of natural justice. No precaution which could be taken would have an equal effect in deterring other tribes from rebellion, compared with the impending penalty of losing their lands. When Te Raupahara was taken by Sir George Grey, during the Cook's Straits war, in 1846, and held as a hostage, other natives asked, "What is the good of taking the man; that will not stop fighting; you should have taken his land." The mere announcement of an intention on the part of the Government to confiscate the lands of the Oakura murderers six months ago, is reported by various commissioners and resident magistrates to have had the best effect in repressing the excited sympathies of tribes not yet actually committed. On the

other



other hand, if those tribes which have hitherto only sympathised with rebellion without partaking in it, should, on the cessation of the present disturbances, see those who engaged in them restored to their possessions and all their territorial rights, it would go far to encourage them to resist the enforcement of law and the progress of colonization, whenever it might suit them to do so.

I will not enter upon a discussion on the debateable question whether it is desirable for the Natives themselves, rebel or others, to retain possession of immense tracts of land, which they neither use, nor allow others to use, and which maintains them in a state of isolation from the European race and its progressive civilization—I will merely state my own conviction that such a condition is most prejudicial to the native race, and highly conducive to the prevalence of evils, social and physical, which contribute to the rapid decay and extinction of the race.

It seems unnecessary to offer any other comment on Sir W. Martin's argument than one of this practical character. It comes to this: if we are to hold the northern island of New Zealand as a British possession, if its colonization is to go on, if the Maori race itself is not to be gradually exterminated by repeated conflict with a superior power, the proposal of the Government to take the lands of the rebels as an indemnity for the past, and a material guarantee for the future, must be adopted. There is nothing in such a proposal contrary to the first principles of justice, or unusual in the history of national conflicts all the world over, and it is strictly in conformity with the customs of the Maories themselves. Mere technical difficulties (if there be any, such as govern feudal liability to forfeiture, or the necessity of conferring political franchise, which is alleged to be a condition precedent to the right to enforce submission to law), however interesting as abstract questions for discussion, cannot be entertained by a Government on which the responsibility rests of saving to the British Crown a dependency in imminent peril, and preventing for the future the renewal of a similar crisis.

(signed) *William Fox,*  
Colonial Secretary.

#### Sub-Enclosure.

The following is a letter from Waikato to William Thompson.

Sub-Enclosure.

COME, O William, be quick this very day. Don't stay away, but be quick. Hear the word of your ancestors, Tarao and Karewa: "That of one becomes red; that of the other did not quickly become red."

This expression meant that William Thompson should join them in attacking the Pakeha.

The following conversation took place between Wi Tamihana and Te Raihi in reference to this letter:

*Raihi.*—What is your thought as to the meaning of that word?

*Wi Tamihana.*—If Aporo is the cause, I am carrying with me money twenty pounds. My letter on that subject has been sent to your residence. If Aporo is the cause, this money shall be placed before the people assembled. They also should collect some money in addition, to be compensation for the crime of Aporo in reference to Mr. Gorst. You will carry it to Auckland; but if they will not consent to this, I will have done with it. I will not consent to these plans of theirs—plotting to attack the Pakeha. If, however, there is another cause clearly just to my understanding, I will consent.

*Raihi.*—What kind of course will you consider a just cause?

*Wi Tamihana.*—That will depend on the nature of the crime (or offence). When I learn that, I shall know if the cause be just or unjust.

*Raihi.*—Enough! Go! Be urgent (to condemn them), if you see that the cause is wrong.

*Wi Tamihana.*—Yes, I will go there.

He went to Tamahere. On the second day of his being there, he inquired of the men of Waikato, "What is the cause of your coming here?" They replied, "We come to invite you to consent to fight with the Pakeha."

Wi Tamihana did not consent to those plans (attacking the Pakeha); because, in his judgment, he perceived no just cause.

After the soldiers crossed Mangatawhiri, then he first consented to fight, after the loss sustained by Waikato in the battle at Koheroa.

The above is the translation of Te Raihi's statement to me.

*Edward Shortland,*  
Native Secretary.

6 January 1864.

— No. 2. —

(No. 10.)

COPY of a DESPATCH from Governor Sir George Grey, K.C.B., to  
His Grace the Duke of Newcastle, K.G.

No. 2.  
Governor Sir Geo.  
Grey, K.C.B., to the  
Duke of Newcastle,  
K.G., 6 January  
1864.

Government House, Auckland, 6 January 1864.

(Received 14 March 1864.)

(Answered, No. 43, of 26 April 1864, page 47.)

My Lord Duke,

I HAVE the honour herewith to transmit authenticated copies of the several Acts\* passed by the General Assembly of New Zealand, during its last session, and of Bills which have passed through both Houses, but which I have reserved for the signification of Her Majesty's pleasure, together with explanatory memoranda by my Responsible Advisers, on these several enactments.

\* Only Nos. 7, 8,  
11, and 12 are  
printed.

Memo. from Mi-  
nutes, enclosing  
Acts of General  
Assembly,  
dated 5 January  
1864.

2. I only think it necessary to trouble your Grace with the following remarks :—Firstly, I beg to recommend that the several Bills which I have reserved for the signification of Her Majesty's pleasure, may receive the Royal Assent. Secondly, In their remarks upon the Suppression of Rebellion Act and the New Zealand Settlement Act my Responsible Advisers observe as follows :—

“In former wars in New Zealand the Natives have been permitted to leave off fighting when they thought fit, to keep all the plunder they had obtained, and they have not been subjected to any kind of punishment for disturbing the peace of the country, killing Her Majesty's subjects, and destroying their property. If native wars are to be prevented for the future, some more effective mode of dealing with those who create them must be adopted. The question, then, is, in what way for the future can the peace of the Colony be best maintained?” &c. &c.

3. I do not think that this passage accurately describes past events. For instance, in the war which arose about the Valley of the Hutt, much land was taken from Natives which they claimed, although the Commissioner appointed by the Crown had decided against them. Several powerful chiefs were for some time retained in confinement for their conduct on that occasion. The Natives engaged in the war were forced to retire beyond the village of Otaki, and other punishments were inflicted on the Natives; but without discussing these particulars, I would deal with the general question.

4. There are two modes of dealing with subjects after a rebellion, to treat them with great generosity, or with severity. I believe the former method is found to be the most successful; when, therefore, former wars terminated, the Natives were very generously treated, and no large forfeiture of lands declared. In one way this policy was certainly eminently successful; for in the present war our former enemies, had they joined against us, might have inflicted the most serious injury upon us; whereas they have, I believe to a man, refrained from in any way taking advantage of our present difficulties, and many of them have earnestly expressed their readiness to aid us, if we wished them to do so.

5. I do not think the same policy would now succeed to the same extent. The Natives have acquired too many arms and too much ammunition. The war has become more a war of races; we have used no Native allies in this war. It has lasted longer than any previous war, and more tribes have been drawn into it, and it originated, at least in the estimation of a large number of the Natives, in an attempt on our part to establish a new principle, in procuring native lands, and in an overlooking of their interests in other respects. Hence a wide-spread distrust and dislike of the Government has sprung up. The early successes of the Natives at Taranaki have also emboldened their young men. All these causes make me think that it is necessary now to take lands from the Natives who have been in arms, and to locate an European population upon them. But, acting upon the principle of the great wisdom of showing a large generosity towards defeated rebel subjects, I would not carry this system too far.

6. I would call your Grace's attention to the remarks of my Responsible Advisers upon the New Zealand Loan Act, and to their earnest request that the Imperial guarantee may be given for the large loan they propose to raise. I can assure your Grace that I think this is a case in which Great Britain might most advantageously give this Colony the aid for which it thus asks, for I believe the inhabitants



inhabitants of New Zealand have, in the present crisis, exerted themselves to the utmost to defend themselves, and to save the Imperial Government as much as possible from expense. In this instance, therefore, to aid this Colony to the extent it now asks, would, I think, be at once both just and politic. It is, therefore, a course which I earnestly recommend for your Grace's consideration.

I have &c.  
(signed) *G. Grey.*

Enclosures in No. 2.

NEW ZEALAND.

Enclosures in No. 2.

ANNO VICESIMO VICTORIÆ REGINÆ.—No. 7.

ANALYSIS.

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Title.<br/>Preamble reciting existence of Rebellion.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Governor to issue orders for the suppression of the Rebellion.</li> <li>3. Acts done in pursuance of such orders not to be questioned in Supreme Court.</li> <li>4. Officers &amp;c. acting under such orders responsible only to Courts Martial.</li> <li>5. Return to Habeas Corpus that person is detained under warrant under this Act sufficient. Proviso.</li> </ol> | <ol style="list-style-type: none"> <li>6. Governor or General or other officer empowered by the Governor may authorise the holding of Courts Martial.</li> <li>7. Constitution of such Courts.</li> <li>8. Powers of such Courts.</li> <li>9. Act not to abridge power of proclaiming Martial Law.</li> <li>10. Indemnity for acts already done.</li> <li>11. Duration of Act.</li> </ol> |
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AN ACT for the Suppression of the Rebellion which unhappily exists in this Colony and for the Protection of the Persons and Property of Her Majesty's Loyal Subjects within the same. (Temporary).—3rd December 1863.

WHEREAS a combination for the subversion of the authority of Her Majesty and Her Majesty's Government has for some time existed amongst certain Aboriginal tribes of this Colony and has now manifested itself in acts of open rebellion And whereas persons in prosecution of the said rebellion have committed murders on some of Her Majesty's subjects engaged in their peaceful occupations have pillaged their homesteads and burnt and destroyed their property And whereas the ordinary course of law is wholly inadequate for the suppression of the said rebellion and the prompt and effectual punishment of those who are guilty of such atrocity and outrage.

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows:—

I. The short title of this Act shall be "Suppression of Rebellion Act 1863."

II. It shall be lawful for the Governor in Council from time to time during the continuance of the said rebellion to issue his orders to all persons whom he shall think fit to authorise in that behalf to take the most vigorous and effectual measures for suppressing the said rebellion in any part of this Colony which shall appear to be necessary for the public safety and for the safety and protection of the persons and properties of Her Majesty's peaceable and loyal subjects and to punish all persons acting aiding or in any manner assisting in the said rebellion or maliciously attacking or injuring the persons or properties of Her Majesty's loyal subjects in furtherance of the same according to martial law either by death penal servitude or otherwise as to them shall seem expedient and to arrest and detain in custody all persons engaged or concerned in such rebellion or suspected thereof and to cause all persons so arrested or detained in custody to be brought to trial in a summary manner by courts martial at the earliest possible period for all offences committed in furtherance of the said rebellion whether such persons shall have been taken in open arms against Her Majesty or shall have been otherwise concerned in the said rebellion or in aiding or in any manner assisting in the same and to execute the sentences of all courts martial whether of death penal servitude or otherwise and to do all other acts necessary to such several purposes.

III. No act which shall be done in pursuance of any order issued as aforesaid shall be questioned in Her Majesty's Supreme Court of New Zealand or in any other court And in order to prevent any doubt which might arise whether any act alleged to have been done in conformity to any orders so issued as aforesaid was so done it shall be lawful for the Governor to declare such acts to have been done in conformity to such orders and such declaration signified by any writing under the hand of the Governor shall be a sufficient discharge and indemnity to all such persons concerned in any such acts and shall in all cases be conclusive evidence that such acts were done in conformity to such orders.

Preamble reciting existence of Rebellion.

Short Title.

Governor to issue orders for the suppression of the Rebellion.

Acts done in pursuance of such orders not to be questioned in Supreme Court.

Officers &c. acting under such orders responsible only to Courts Martial.

IV. All officers non-commissioned officers soldiers and militiamen who shall act under any such orders as aforesaid shall be responsible for all things which shall be done under such orders to courts martial only by which they shall be liable to be tried for any offence against the Articles of War under any Act then in force for any such purposes and courts martial shall have full and exclusive cognizance of all matters and things which shall be objected against such officers non-commissioned officers soldiers and militiamen respectively and all proceedings shall be had thereon in the same manner as for offences against the Articles of War and not otherwise and the Supreme Court or any other court of justice civil or criminal shall not take cognizance of any act matter or thing which shall be done by any such officer non-commissioned officer soldier or militiaman in pursuance of this Act and if any proceeding shall be had in any such court against any such officer non-commissioned officer soldier or militiaman for any such act matter or thing by indictment action or otherwise all such proceedings shall be stayed by summary order on application to the court wherein they shall be had.

Return to Habeas Corpus that person is detained under warrant under this Act sufficient.

Proviso.

V. If any person who shall be detained in custody under the powers created by this Act shall sue forth a writ of *habeas corpus* it shall be good and sufficient return to such writ that the party suing forth the same is detained by virtue of a warrant under the hand and seal of some person duly authorised by the Governor in Council for the time being to issue such warrant under the authority of this Act provided that at the time such return is made the name of such person so authorised as aforesaid to issue such warrants shall have been or shall be notified by the Governor to the Supreme Court by writing signed by him signifying to the said court that such person was so authorised as aforesaid to exercise the powers specified by this Act and when such return shall be made it shall not be necessary to bring up the body of the person who is so detained.

Governor or General or other officer empowered by the Governor may authorize the holding of Courts Martial.

VI. For the trial of offences under this Act it shall be lawful for the Governor or the General or other officer commanding Her Majesty's forces in New Zealand or for any other officer of Her Majesty's forces not under the rank of a field officer who shall be authorised by a commission from the Governor in Her Majesty's name in that behalf from time to time by warrant under his hand to authorise and empower any officer in Her Majesty's regular or militia forces in New Zealand not under the rank of a field officer to convene assemble and hold courts martial for the trial of such persons under this Act as the Governor or General or other officer as aforesaid shall direct.

Constitution of such Courts.

VII. Every such court martial shall consist of not less than three nor more than nine commissioned officers of Her Majesty's regular or militia forces in New Zealand or partly of commissioned officers of each such force And when the defendant shall be a person of the Maori or half-caste race a sworn interpreter shall be appointed by the Governor or in default of such appointment by the officer convening such court to interpret in the said court on behalf of the defendant provided always that no court which shall consist of less than seven members four of whom at least shall be commissioned officers of Her Majesty's regular forces shall pass sentence of death and that on every court there shall be at least two such commissioned officers.

Powers of such Courts.

VIII. Every such court shall have all powers privileges and authorities appertaining or incident to and shall conduct all proceedings according to the manner of courts martial held under the provisions of the Act for the time being in force in New Zealand for punishing mutiny and desertion and the sentence of any such court when confirmed by the Governor or the General or other officer commanding Her Majesty's forces in New Zealand may be carried into execution.

Act not to abridge power of proclaiming Martial Law.

IX. Nothing in this Act contained shall be construed to take away abridge or diminish the acknowledged prerogative of Her Majesty for the public safety to resort to the exercise of martial law against open enemies or traitors or any powers by law vested in the said Governor of this Colony with or without the advice of the Executive Council or of any other person or persons whomsoever to suppress treason and rebellion and to do any act warranted by law for that purpose in the same manner as if this Act had never been made but such prerogative is hereby declared to be in full force in this Colony in Her Majesty the Queen and in the Governor as Her Majesty's representative in that behalf.

Indemnity for acts already done.

X. Every person shall be and is hereby freed indemnified and discharged of and from all actions and prosecutions which he may have been or may become liable or subject to for or by reason or by means of or in relation to any act matter or thing done by him before the passing of this Act which would have been lawful if done in pursuance of any order duly issued under the authority of this Act And no such act matter or thing shall be questioned in the Supreme Court or in any court whatsoever within the Colony of New Zealand.

Duration of Act.

XI. This Act shall come into operation on the day of the passing hereof and shall continue and be of force until the end of the next Session of the General Assembly only and no longer.



## NEW ZEALAND.

ANNO VICESIMO SEPTIMO VICTORIÆ REGINÆ.—No. 8.

## ANALYSIS.

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Title.</p> <p>Preamble.</p> <p>1. Short Title.</p> <p>2. Governor in Council may proclaim Districts.</p> <p>3. Governor in Council may set apart sites for settlements.</p> <p>4. Governor in Council may take land for such settlements.</p> <p>5. Compensation to be granted.</p> <p>Who not entitled thereto.</p> <p>6. Persons not submitting deprived of Compensation.</p> <p>7. Compensation to be granted according to the nature of the Title of the party claiming.</p> <p>8. Compensation Courts to be established.</p> <p>9. The Governor in Council to appoint Judges.</p> <p>10. Judges to take oath.</p> <p>11. Extent of jurisdiction.</p> | <p>12. Power of Judges to compel attendance of witnesses, &amp;c.</p> <p>13. Colonial Secretary to transmit claims and Judges to hear them.</p> <p>14. Certificates to be granted.</p> <p>15. Grantees of certificate entitled to amount from Colonial Treasury.</p> <p>16. Towns, &amp;c. to be laid out on land subject to this Act for Military Settlers.</p> <p>17. Governor in Council may cause remaining land to be laid out in Towns, &amp;c.</p> <p>18. And to be disposed of according to regulations to be made by the Governor in Council.</p> <p>19. Disposal of proceeds of sale.</p> <p>20. Act may apply to land obtained by purchase, &amp;c.</p> |
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An Act to enable the Governor to establish Settlements for Colonization in the Northern Title  
Island of New Zealand.—3d December 1863.

WHEREAS the Northern Island of the Colony of New Zealand has from time to time been subject to insurrections amongst the evil-disposed persons of the native race to the great injury alarm and intimidation of Her Majesty's peaceable subjects of both races and involving great losses of life and expenditure of money in their suppression And whereas many outrages upon lives and property have recently been committed and such outrages are still threatened and of almost daily occurrence And whereas a large number of the inhabitants of several districts of the Colony have entered into combinations and taken up arms with the object of attempting the extermination or expulsion of the European settlers and are now engaged in open rebellion against Her Majesty's authority And whereas it is necessary that some adequate provision should be made for the permanent protection and security of the well-disposed inhabitants of both races for the prevention of future insurrection or rebellion and for the establishment and maintenance of Her Majesty's authority and of law and order throughout the Colony And whereas the best and most effectual means of attaining those ends would be by the introduction of a sufficient number of settlers able to protect themselves and to preserve the peace of the Country :

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows :—

I. The short Title of this Act shall be "The New Zealand Settlements Act 1863." Short Title.

II. Whenever the Governor in Council shall be satisfied that any Native Tribe or Section of a Tribe or any considerable number thereof has since the first day of January 1863 been engaged in rebellion against Her Majesty's authority it shall be lawful for the Governor in Council to declare that the District within which any land being the property or in the possession of such Tribe or Section or considerable number thereof shall be situate shall be a District within the provisions of this Act and the boundaries of such District in like manner to define and vary as he shall think fit. Governor in Council may proclaim districts.

III. It shall be lawful for the Governor in Council from time to time to set apart within any such District eligible sites for settlements for colonization and the boundaries of such settlements to define and vary. Governor in Council may set apart sites for settlements.

IV. For the purposes of such settlements the Governor in Council may from time to time reserve or take any land within such District and such land shall be deemed to be Crown Land freed and discharged from all title interest or claim of any person whomsoever as soon as the Governor in Council shall have declared that such land is required for the purposes of this Act and is subject to the provisions thereof. Governor in Council may take land for such settlements.

V. Compensation shall be granted to all persons who shall have any title interest or claim to any land taken under this Act provided always that no compensation shall be granted to any of the persons following that is to say to any person— Compensation to be granted.

(1.) Who shall since the 1st January 1863 have been engaged in levying or making war or carrying arms against Her Majesty the Queen or Her Majesty's Forces in New Zealand or— Who not entitled thereto.

(2.) Who shall have adhered to aided assisted or comforted any such persons as aforesaid or—

(3.) Who shall have counselled advised induced enticed persuaded or conspired with any other person to make or levy war against Her Majesty or to carry arms against Her Majesty's Forces in New Zealand or to join with or assist any such persons as are before mentioned in sub-sections (1) and (2) or—

(4.) Who in furtherance or in execution of the designs of any such persons as aforesaid shall have been either as principal or accessory concerned in any outrage against person or property or—

(5.) Who on being required by the Governor by proclamation to that effect in the *Government Gazette* to deliver up the arms in their possession shall refuse or neglect to comply with such demand after a certain day to be specified in such proclamation.

Persons not submitting deprived of compensation.

VI. It shall be lawful for the Governor by proclamation to be published in the Maori as well as the English language to call upon any native tribes or individuals thereof who shall have been engaged in any of the offences specified in section 5 of this Act to come in and submit to trial according to law on or before a certain day to be therein named and all who shall refuse or neglect to come in and submit themselves accordingly shall not be entitled to compensation under this Act.

Compensation to be granted according to the nature of the title of the party claiming.

VII. Compensation shall be granted according to the nature of the title interest or claim of the person requiring compensation and according to the value thereof Provided always that no claim shall be entertained unless the same shall have been preferred in writing to the Colonial Secretary by the claimant if residing in the Colony within six months and if not residing in the Colony then within eighteen months after the land in respect of which the claim is made has been proclaimed under section 4 as required for the purposes of this Act.

Compensation Courts to be established.

VIII. For the purpose of determining claims for compensation under this Act there shall be established Courts to be called "Compensation Courts."

The Governor in Council to appoint judges.

IX. It shall be lawful for the Governor in Council from time to time by letters patent under the public seal of the Colony to appoint judges of such courts and at any time by warrant to remove any such judge.

Judges to take oath.

X. Any judge before proceeding to act shall take and subscribe before a judge of the Supreme Court an oath that he will faithfully perform the duties of his office.

Extent of jurisdiction.

XI. Every Compensation Court shall be held before one such judge whose jurisdiction shall extend over a district to be specified in the letters patent by which he is appointed.

Power of judges to compel attendance of witnesses &c.

XII. Every judge shall have the power as near as circumstances will permit of compelling the attendance of and examining witnesses and of regulating the proceedings of his court as a resident magistrate in New Zealand has in reference to a cause of complaint over which he has summary jurisdiction and also power to make rules for the conduct of the business of his court.

Colonial Secretary to transmit claims and judges to hear them.

XIII. It shall be the duty of the Colonial Secretary to transmit every claim under this Act which shall be received by him to the judge of a court competent to hear the same and it shall be the duty of such judge to hear the claim and determine the right of the claimant to compensation and the amount of compensation to which he is entitled Provided always that it shall be competent for the person making a claim to require that the amount of compensation shall be determined by the award of two indifferent arbitrators—one to be appointed in writing by the claimant at the time of making his claim and the other by the Colonial Secretary or in case of their not agreeing in an award within two months from the time of the question being referred to them by the Colonial Secretary in writing then by the award of their umpire to be chosen before they enter on the question and if no award shall have been made within three months from the time of such reference by the Colonial Secretary the amount of compensation shall be determined by the Court.

Certificates to be granted.

XIV. The judge shall grant to every claimant who shall be entitled to compensation a certificate specifying the amount thereof and describing the land in respect of which the same is granted and the nature of the claimant's title interest or claim therein.

Grantee of certificate entitled to amount from Colonial Treasurer.

XV. Such certificate shall entitle the person in whose favour the same was granted to receive from the Colonial Treasurer the amount named in such certificate as payable to him.

Towns, &c. to be laid out on land subject to this Act for military settlers.

XVI. On part of the land subject to the provisions of this Act the Governor shall cause to be laid out a sufficient number of towns and farms around or as near as conveniently may be to the same to give full effect to the provisions of the several contracts heretofore or hereafter to be entered into by or on behalf of the Government of New Zealand with certain persons for the granting of land to them respectively in return for military service on the terms in and subject to the conditions of the said contracts respectively expressed and the several persons who shall have been enrolled under the said contracts respectively shall be entitled to such town and farm sections in conformity with the provisions of the said contracts Provided always that it shall be lawful for the Governor with the consent in writing of any person entitled under such contracts to vary the conditions thereof as regards such person as the Governor in Council may think fit.

Governor in Council may cause remaining land to be laid out in towns &c.

XVII. After setting apart sufficient land for all the persons who shall be entitled thereto under the said contracts it shall be lawful for the Governor in Council to cause towns to be surveyed and laid out and also suburban and rural allotments.

XVIII. All



XVIII. All such town suburban and rural land shall be let sold occupied and disposed of for such prices in such manner and for such purposes upon such terms and subject to such regulations as the Governor in Council shall from time to time prescribe for that purpose.

And to be disposed of according to regulations to be made by the Governor in Council.

XIX. Money to arise from the sale and disposal of any land under this Act shall be disposed of as the General Assembly shall direct in or towards the repayment of the expenses of suppressing the present insurrection and the formation and colonisation of the settlements including the payment of any compensation which shall be payable under this Act and subject thereto to the payment of any compensation which may be awarded by law to individuals for losses by the said rebellion. Provided always that all such money shall for the purposes of "The New Zealand Loan Act 1856" be deemed and taken to be revenue arising from the disposal of waste lands of the Crown in the Colony of New Zealand and shall be chargeable with the sum of money borrowed or raised under the authority of the said Act and with interest thereon.

Disposal of proceeds of sale.

XX. The several powers vested in the Governor and the Governor in Council by this Act authorizing the formation of settlements for colonization shall so far as the same are applicable thereto apply to any land which shall be obtained by cession or purchase or shall be set apart by the superintendent of any province with the advice and consent of the Provincial Council thereof for the purpose of such settlements although such land shall not be situate within the limits of a district to be declared under the second section of this Act.

Act may apply to land obtained by purchase &c.

## NEW ZEALAND.

ANNO VICESIMO SEPTIMO VICTORIÆ REGINÆ.—No. 11.

### ANALYSIS.

|                                                                                       |                                                                                                          |
|---------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| Title.                                                                                |                                                                                                          |
| Preamble.                                                                             |                                                                                                          |
| 1. Short Title.                                                                       |                                                                                                          |
| 2. The Governor may appoint Agents to raise and manage a Loan.                        |                                                                                                          |
| 3. Such Agent or Agents shall have power to raise any sums not exceeding 3,000,000 £. |                                                                                                          |
| 4. Bonds &c. to be for sums and in form and to be negotiable as prescribed by Agents. |                                                                                                          |
| 5. Interest payable at such times and places as shall be fixed and named.             |                                                                                                          |
|                                                                                       | 6. Principal and interest charged on the Ordinary Revenue of the Colony of New Zealand.                  |
|                                                                                       | 7. Money raised to be applied to purposes set forth in Schedule.                                         |
|                                                                                       | 8. Principal to be repaid at the expiration of fifty years.                                              |
|                                                                                       | 9. Per-centage to be paid annually to pay interest and provide a Sinking Fund.                           |
|                                                                                       | 10. This Act not in any way to prejudice vary or affect "The Loan Act 1856" or "Imperial Guarantee Act." |
|                                                                                       | Schedule.                                                                                                |

An Act for raising a Loan of Three Million Pounds Sterling for the Public Service of the Colony of New Zealand.—14 December 1863. Title.

WE Her Majesty's most dutiful and loyal subjects the House of Representatives in Parliament assembled being desirous to raise the necessary supplies which we have cheerfully voted to Her Majesty in this Session of Parliament have resolved that a sum not exceeding Three Millions shall be raised in manner hereinafter mentioned :

Preamble.

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by authority of the same as follows :—

I. The short title of this Act shall be "The New Zealand Loan Act 1863."

Short Title.

II. It shall be lawful for the Governor of New Zealand to appoint one or more person or persons to be an agent or agents for the purpose of raising and managing the loan or loans proposed to be raised under and by virtue of this Act.

The Governor may appoint agents to raise and manage a loan.

III. Such agent or agents shall have full power and authority to borrow and raise in Great Britain or elsewhere by bonds debentures or otherwise such sums not exceeding in the whole the sum of three million pounds sterling as the Governor of the Colony shall from time to time determine and direct. Provided always that if the whole or any portion of the loan authorised to be raised under an Act of the General Assembly of New Zealand intituled "The Loan Act 1862" shall be raised the amount so raised shall be deducted from the amount authorised to be raised under this Act.

Such agent or agents shall have power to raise any sums not exceeding 3,000,000 £.

IV. Every bond debenture or other security granted under this Act shall bear interest after a rate not exceeding five pounds for every one hundred pounds by the year shall be for such sum and in such form shall be signed on behalf of the said Colony and shall be transferable and negotiable in such manner as such agent or agents shall prescribe. Provided always if Her Majesty's Imperial Government shall guarantee the loan authorised to be raised under this Act or any part thereof it shall be lawful for the Commissioners of Her Majesty's Imperial Treasury to reduce the rate of interest on the said loan or on so much thereof as shall be so guaranteed and in respect of which securities shall

Bonds &c. to be for sums and in form and to be negotiable as prescribed by agents.

not have been issued to such a rate as the said Commissioners shall direct and the rate of interest on the securities unissued shall be altered accordingly.

V. The interest on every such bond debenture or other security shall be payable at such times and places as shall be fixed and named for that purpose in such bond debenture or other security.

VI. All sums of money borrowed and raised under the authority of this Act and interest thereon shall be a charge upon the ordinary revenue of New Zealand as defined by the Ordinary Revenue Act 1858."

VII. The money to be borrowed under the authority of this Act shall be applied as the General Assembly shall from time to time direct and appoint to the several purposes specified and set forth in the Schedule to this Act.

VIII. The principal sums so to be borrowed and raised as aforesaid shall be made payable and repaid at the expiration of fifty years from the several days on which they shall respectively be borrowed and raised as aforesaid.

IX. For the purpose of paying the said interest and providing a sinking fund for the liquidation of the principal there shall be paid yearly out of the ordinary revenue of the Colony to such persons as the Governor shall appoint such sum as shall be equal to the aforesaid interest and one per centum per annum on the total of the principal from time to time borrowed and after paying the interest thereon as the same shall from time to time become due the balance thereof shall be set apart as a sinking fund and shall be invested by such person or persons in such manner as the Governor shall from time to time direct and shall be increased by accumulation in the way of compound interest or otherwise.

X. Nothing in this Act contained shall prejudice vary or affect any security granted under or by virtue of "The New Zealand Loan Act 1856" and an Act of the Imperial Parliament passed in the twentieth and twenty-first years of the reign of Her present Majesty intituled "An Act to guarantee a Loan for the Service of New Zealand" or either of them and "The New Zealand Loan Act 1860."

#### SCHEDULE.

For defraying the cost of suppressing the present rebellion.  
For the introduction into the Northern Island of settlers from Australia Great Britain and elsewhere.  
For the cost of Surveys and other expenses incident to the location of settlers.  
For the purposes specified in the "Loan Act 1862."  
And for other public purposes.

#### NEW ZEALAND.

ANNO VICESIMO SEPTIMO VICTORIÆ REGINÆ.—No. 12.

#### ANALYSIS.

| Title.                           |                                                          |
|----------------------------------|----------------------------------------------------------|
| 1. Short Title.                  | Hawke's Bay 90,000 £.                                    |
| 2. Apportionment of 300,000 £.   | 4. Amount granted.                                       |
| Auckland 150,000 £.              | To Suppress Rebellion 1,000,000 £.                       |
| Taranaki and Wanganui 75,000 £.  | Immigration 200,000 £.                                   |
| Wellington 45,000 £.             | Location of Settlers 400,000 £.                          |
| Hawke's Bay 30,000 £.            | Compensation 100,000 £.                                  |
| 3. Apportionment of 900,000 £.   | Electric Telegraph 75,000 £.                             |
| Auckland 450,000 £.              | Lighthouses 30,000 £.                                    |
| Taranaki and Wanganui 225,000 £. | Loan Act 1862, 500,000 £.                                |
| Wellington 135,000 £.            | 5. Provision for Repayment of Interest and Sinking Fund. |

Title.

An Act to appropriate certain Sums to be raised under "The New Zealand Loan Act 1863" and to provide for the Repayment of certain portions thereof.—14 December 1863.

BE it enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows:—

Short Title.

I. The Short Title of this Act shall be "The Loan Appropriation Act 1863."

Apportionment of 300,000 £.

II. Out of the sum or sums of money authorised to be raised by "The New Zealand Loan Act 1863" there shall be applied the sum of 300,000 £. for the introduction into the Northern Island of settlers from Australia Great Britain and elsewhere and the said sum of 300,000 £. is hereby apportioned as follows that is to say to the province of Auckland



Auckland one hundred and fifty thousand pounds to the province of Taranaki and such part of the province of Wellington as lies to the north of Wanganui seventy-five thousand pounds to such part of the province of Wellington as lies to the south of Wanganui forty-five thousand pounds and to the province of Hawke's Bay thirty thousand pounds.

Auckland 150,000 £  
Taranaki and Wanganui 75,000 £  
Wellington 45,000 £  
Hawke's Bay 30,000 £

III. Out of the sum or sums of money authorised to be raised by "The New Zealand Loan Act 1863" there shall be applied the sum of 900,000 £. for the cost of surveys and other expenses incident to the location of settlers and the said sum of 900,000 £. is hereby apportioned as follows To the province of Auckland four hundred and fifty thousand pounds to the province of Taranaki and such part of the province of Wellington as lies to the north of Wanganui two hundred and twenty-five thousand pounds to such part of the province of Wellington as lies to the south of Wanganui one hundred and thirty-five thousand pounds and to the province of Hawke's Bay ninety thousand pounds.

Apportionment of 900,000 £.  
  
Auckland 450,000 £.  
Taranaki and Wanganui 225,000 £.  
Wellington 135,000 £.  
Hawke's Bay 90,000 £.

IV. Out of the sum or sums of money authorised to be raised by "The New Zealand Loan Act 1863" there shall be issued and applied any sum or sums not exceeding one million pounds for defraying the Colonial charge which will come in course of payment from the first day of July 1863 to the first day of April 1865 for suppressing the present rebellion and any sum or sums not exceeding two hundred thousand pounds for defraying the charge which will come in course of payment from the first day of July 1863 to the first day of April 1865 for the introduction into the Northern Island of settlers from Australia Great Britain and elsewhere and any sum or sums not exceeding four hundred thousand pounds for defraying the charge which will come in course of payment from the first day of July 1863 to the first day of April 1865 for the cost of surveys Public Works and other expenses incident to the location of settlers and any sum or sums not exceeding 100,000 £. for defraying the charge which shall come in course of payment from the first day of January 1864 to the first April 1865 for payment of compensation in respect of land taken under the New Zealand Settlements Act 1863 and any sum or sums not exceeding seventy-five thousand pounds for defraying the charge which shall come in course of payment from the first day of January 1864 to the first day of April 1865 for the construction of a main line of electric telegraph between Invercargill and Auckland and any sum or sums not exceeding thirty thousand pounds for defraying the charge which will come in course of payment from the first day of January 1864 to the first day of April 1865 for the construction of lighthouses on the coast of New Zealand and any sum or sums not exceeding five hundred thousand pounds which will come in course of payment before the first day of April 1865 for the purposes specified in the Schedule to "The Loan Act 1862."

Amount granted.  
To suppress rebellion 1,000,000 £.  
  
Immigration 200,000 £.  
  
Location of settlers 400,000 £.  
  
Compensation 100,000 £.  
  
Electric telegraph 75,000 £.  
  
Lighthouses 30,000 £.  
  
Loan Act 1862 500,000 £.

V. If the sums of money to arise from the sale of land in each province respectively under "The New Zealand Settlements Act 1863" shall be insufficient to repay to the Colonial Treasury the interest and sinking fund on all sums expended in any province for the permanent advantage of such province the deficiency shall be a charge against the Revenue of the province in respect of which such deficiency shall arise and shall be paid in such manner as shall be hereafter determined by the General Assembly.

Provision for repayment of interest and sinking fund.

#### No. 7.—"THE SUPPRESSION OF REBELLION ACT, 1863."

#### No. 8.—"THE NEW ZEALAND SETTLEMENT ACT, 1863."

THE object of these Acts is to deal with the present Native Rebellion. The first is directed at its suppression; and the second is intended to establish a permanent security against future rebellions; or, at all events, to place within the disturbed districts a population which, if it does not actually deter, will, with little assistance, be enabled to put down outbreaks by the ill-disposed of the native population.

1. There is no doubt that the Suppression of Rebellion Act is a strong measure, but not stronger than the occasion justifies and requires. The Act is similar to that passed in 1798 for suppression of the Irish Rebellion, with such alterations and modifications as render it suitable to New Zealand.

The grounds upon which the passing of such a measure is justified, fully appear in the papers transmitted herewith, and which render a repetition of the facts and reasons unnecessary.

It was obvious to all that the ordinary course of law was unsuited to the emergency; that the hands of the Government were tied; and that occurrences were daily taking place which special legislation was required to meet. The Legislature was almost, if not quite, unanimous that some strong and exceptional measure was essential; but differences of opinion existed as to what that measure should be. The second reading, however, of the Suppression of Rebellion Bill was carried in the House of Representatives, in which branch of the Legislature it was first introduced, by a majority of 26 to 10.

The only views which were put forward in a tangible form by those who opposed the bill, are contained in the resolutions, of which a copy is sent herewith. These resolutions

Papers relative to Formation of Military Settlements. Native Affairs, E. No. 3. Native Affairs, E. No. 3 A. The Native Insurrection, E. No. 5. Statement by Wiremu Patene.

were proposed by Mr. Sewell as an amendment to the second reading of the Bill, but at that stage was carried by a majority of 15 to 4.

In both Houses the Bill passed the stages subsequent to the second reading without serious opposition.

2. The complete defeat of the rebels would have but little effect in permanently securing the peace of the colony, unless some ulterior measures are adopted for that object. In former wars in New Zealand, the natives have been permitted to leave off fighting when they thought fit; to keep all the plunder they had obtained; and they have not been subjected to any kind of punishment for disturbing the peace of the country, killing her Majesty's subjects, and destroying their property. If native wars are to be prevented for the future, some more effective mode of dealing with those who create them must be adopted. The question then is, in what way, for the future, can the peace of the colony be best maintained, and the peaceable inhabitants of both races best secured against the aggression of lawless men?

For the most part, the natives of New Zealand possess but little personal property, and therefore suffer but little from losing temporary possession of their settlements. What they have most dreaded in their own wars has been slavery and the permanent loss of their landed possessions. There is no doubt that the native lands afford the most effectual means of securing the object the Government has in view. They may be made, by affording a striking example, the means of deterring other tribes for the future from engaging in rebellion, and at the same time of securing the rebellious districts against future outbreaks.

The object of the Settlements Act is to give effect to these views. Already 3,000 men have taken military service under conditions, copies of which are included in the papers herewith, and it is intended to increase that number to 20,000. The provisions of the Act are framed with the intention of enabling the Government to fulfil the promises made to those who have already been enlisted in the service, and to meet future engagements of a similar kind.

The mode by which effect is proposed to be given to the intentions of the Government is by authorising the Governor in Council to proclaim districts, of which the native inhabitants have been engaged in the rebellion, to come within provisions of the Act, and then to authorise the taking of land within such districts for the establishment of settlements.

It will be observed that the provisions of the Act may be made to include lands belonging to persons who have not justly forfeited their rights by rebellion. In order to carry out the scheme, this is absolutely necessary. The principal difficulty which would arise from the want of such a power would be in those cases in which portions of a tribe have joined in the rebellion, leaving a few behind them, in some instances, with the avowed object of preserving the tribal land from forfeiture. The New Zealand native tenure of land is for the most part, in fact with little or perhaps no exception, tribal; and if the principle were admitted that the loyalty or neutrality of a few individuals would preserve the lands of the tribe, the Act would for the most part be a dead letter, and that in districts in which it is most required, and in which its operation would be perfectly just.

Care has been taken on the one hand that satisfactory provision is made for granting compensation to those who may be entitled to it, and on the other hand those are excluded who have fairly forfeited all claim to consideration. It is a recognised principle that, when the public interests require it, the property of individuals, on fair compensation, may be taken as available for the purposes of the State. A great public object, essential to the peace and security of the country, is to be gained in this instance, fully justifying the practical application of the principle. Again, it is undoubted natural justice that those who violate the fundamental principles of the Government under which they live, justly forfeit their right to the advantages which they derive from that Government. The rebellious natives have placed themselves in that position, and fairly subjected themselves to the penalty due to their offences.

It is proper to observe that the principal objections made against these two measures, the Suppression Act and the Settlements Act, were that they were, *ultra vires*, beyond the powers of the New Zealand Legislature. It was urged that the New Zealand Parliament could not enact such provisions as those contained in the former Act, and that it could not pass such a law, affecting native lands, as the New Zealand Settlements Act. It is submitted that neither of these objections has any solid foundation.

The last-mentioned Act is open to a more plausible objection, viz. that it contravenes an Act of the Imperial Parliament (20 & 21 Vict. c. 51), the Loan Guarantee Act. Section 3 of that Act provides that no Act passed by the Legislature of New Zealand in anywise discharging or varying the security shall be valid, unless it contain a clause suspending its operation. The Settlements Act does not contain such a clause. This objection has been often discussed in reference to other legislation, but no satisfactory conclusion arrived at. The main question turns upon the meaning of the word "security." Is that word in the 3d section used in a different sense from that in which it is used in all the other clauses of the Act? Does it not mean only the Act of the Assembly constituting the lien upon the revenue, and not that out of which the revenue arises? An affirmative reply to the latter question would appear to be the better opinion.

This objection was pointed out to his Excellency the Governor before his assent was given to the Bill, but it was deemed of so much importance to give immediate operation to the Act, that his Excellency's assent was advised and given, in the hope and expectation



petition that the Imperial Parliament would remove this technical objection, if it existed.

These two Acts are, in the present state of New Zealand, of vital importance; in fact, absolutely essential to the safety and security of the Colony, and they are therefore strongly recommended to the favourable consideration of Her Majesty's Imperial Government.

*Frederick Whitaker.*

Auckland, 4 January 1864.

No. 11.—“NEW ZEALAND LOAN ACT;” and

No. 12.—“LOAN APPROPRIATION ACT, 1863.”

THE object of these Acts is to enable the Government of the Colony to raise the sum of three million pounds (3,000,000*l.*) sterling for the following purposes:—

For defraying the cost of suppressing the present rebellion.

For the introduction into the Northern Island of settlers from Australia, Great Britain, and elsewhere.

For the cost of surveys and other expenses incident to the location of settlers.

For the purposes specified in the “Loan Act, 1862.”

For other public purposes.

In the speech with which the Governor opened the late Session of the Assembly, the policy indicated, and that which has been carried out by the Legislature, has two great objects in view—

1. The suppression of the existing rebellion.
2. To provide a material guarantee for the preservation of peace, and to render future insurrections of the natives impossible.

The first of these objects, not yet attained, has already taxed to the utmost the resources of the colony. At the first outbreak of the rebellion, before any reinforcement of troops had arrived, and whilst an attack upon the city of Auckland was imminent, the whole male population of the district between the ages of 16 and 55 were in arms; mounted forces were organised, and the militia called out in every province of the Northern Island. Three thousand military settlers from Australia and elsewhere were introduced, armed and drilled at the expense of the colony. The measures taken for the purposes of defence generally are set forth in detail in Mr. Russell's memorandum on that subject, which accompanies this minute. Nor is the colony now in any way relaxing its efforts. Arrangements are being made to raise the number of military settlers at once to 5,000 men, and the whole of the militia is still in a state of actual service. It is not anticipated that the expenses on this account can for some time be reduced, and the sum of 1,000,000*l.* upon the lowest calculation, has been estimated as the cost to the Colony of the assistance it will render as regards military operations alone in suppressing the rebellion.

The second object, that of providing a material guarantee to prevent, if possible, similar insurrections in future, and to maintain and secure the peace and prosperity of the colony, is sought to be obtained in the manner pointed out by the Governor in his Despatch to the Secretary of State for the Colonies of 29th August 1863,\* as the only plan which suggests itself to him for securing the permanent peace of the country, namely, the introduction of large bodies of European settlers, strong enough to defend themselves in those natural positions which will give us the entire command of the country, and convince the badly disposed natives that it is hopeless to attempt either to drive the Europeans from the country, or to place them under the rule and laws of a Maori king. For this to be done successfully, a considerable expenditure must be incurred, not only in introducing the settlers in the first instance, but in providing, to some extent at least, means for their employment; surveys must be executed, roads made, and other public works undertaken to render the proposed settlements accessible.

The plan which has suggested itself to Ministers as most likely to be attended with success is to lay off settlements in those natural positions referred to by the Governor for the location of the immigrants, to give them free grants of land, and to survey farms for general sale in the immediate neighbourhood of the settlements, in order that, at the same time the Government is introducing labour into the country, capital may flow in as well; and thus, instead of having pauper communities dependent on the Government, there will be established throughout the country self-supporting settlements, which will lay the foundation of future prosperity, and be the means of securing permanent peace.

The sum of 300,000*l.* out of this loan has been appropriated for the introduction of settlers; the sum of 900,000*l.* for the expenses incident to their location, including the cost of surveys and the construction of public works; the sum of 200,000*l.* has been appropriated for the erection of lighthouses and the construction of electric telegraphs; the sum of 100,000*l.* is for the purpose of compensating loyal natives for land which may be required for settlement; and the sum of 500,000*l.* is appropriated to the purposes set forth in the “Loan Act, 1862.” The two main objects of the Act of 1862 were to provide the means

\* *Vide Papers presented 3 March 1864, page 54.*

to pay the Imperial Government the amount which they claim from the Colony for expenses incurred in the Taranaki war, and the sum of 200,000*l.* as compensation to the Taranaki settlers for losses suffered by them during that war. To this loan of 500,000*l.* Ministers applied for the Imperial guarantee; for some months no answer was returned to this application; ultimately, however, a proposition was made to Mr. Ward, the representative of the New Zealand Government in England, that the guarantee would be given on condition that he would agree to pay the sum of 200,000*l.* in full of all demands to 30th September 1862. This proposition Ministers think should have been accepted, and they are willing to agree to it if the offer be again renewed.

The whole of this loan of 3,000,000*l.*, with the exception of the sum of 200,000*l.* for lighthouses and electric telegraphs, has been forced upon the Colony for the settlement of difficulties arising out of the native question. It is quite needless now to refer to past questions of controversy. The Legislature has accepted full responsibility in native affairs, and it has affirmed a policy which will no doubt have the effect, in conjunction with the aid afforded by England, of completely putting a stop to these native difficulties for the future.

The Legislature has authorised the Government to raise this loan, bearing 5 per cent. interest at once, on the security of the ordinary revenue of the Colony, and it has appropriated thereout for the public service during the next 15 months the sum of 2,305,000*l.* At the same time it will be seen, from the 4th section of the Loan Act, that provision is made for a reduction in the rate of interest on the loan, or on so much thereof as shall be guaranteed by the Imperial Government. Ministers confidently leave the consideration of this question to Her Majesty's Government. The assistance which they seek cannot possibly involve the home Government in any expense whatever. They simply ask that the burthen the Colony has undertaken to bear may be lightened, without attempting to shift it in the least, and in no way can this be done better than by granting the Imperial guarantee to the loan which it has become necessary to raise. The saving to the Colony of 1 per cent. interest at least on so large a sum would of course greatly relieve its finances, and be felt by the Government as a very material assistance in meeting the difficulties by which they are surrounded.

A full statement of the present financial position of the Colony is forwarded herewith, and the Colonial Treasurer, who is proceeding to England by the January mail on business connected with the Colony, will communicate with Her Majesty's Government, and furnish the Secretary of State with any further particulars upon this subject.

*Reader Wood.*

Treasury, Auckland, December 1863.

#### MEMORANDUM on Measures of DEFENCE in NORTHERN ISLAND.

THE object of this memorandum is to give an outline of the measures taken by the Government since the commencement of hostilities by the Natives, to render the resources of the Colony available for the defence of the Northern Island. The great services rendered by General Cameron and the officers and troops under his command, the ready co-operation of her Majesty's naval authorities, as well as the valuable assistance so freely afforded by other Colonies, with the same object, are not detailed.

For some time prior to May 1863, the Governor and the Colonists were united in a great effort, by peaceable expedients, to establish and maintain friendly relations with the native race. So far were these efforts carried, that every appearance of warlike preparation was avoided; even defensive measures, such as the enrolment, drill, and arming of the militia, were allowed to cease, in order that the Natives might not misconstrue such preparations into hostile demonstrations against themselves. Nothing was done that should tend to excite their suspicions. Arms in sufficient numbers for the militia were not provided. No military organization of the civilian population was attempted, not even to the extent of forming militia rolls in the Provinces of Auckland, Wellington, or Hawke's Bay, so that, when the peace of the country was broken by the Oakura murders, there were not five hundred armed militiamen or volunteers in the Northern Island. In fact no preparation of any kind for war had been made before the outbreak of the 4th of May.

Among the difficulties which embarrassed the Government at the commencement of hostilities, the want of arms for upwards of three thousand men, of suitable clothing,—such as boots, trousers, great-coats, and other necessities, for the militia and volunteers on active service, was especially felt. It was impossible to procure these supplies by the ordinary means of purchase. All that could be got in Auckland were procured; and additional supplies of the best available substitutes were obtained from Dunedin and the Australian Colonies. The principal source of supply was from the stores of the Imperial Government, and the thanks of the Colony are specially due to the Lieutenant General commanding for the prompt and liberal aid he rendered by the issue of such arms and clothing as could be spared from the military store at Auckland.

Considerable trouble was also experienced in obtaining officers of character and ability with military knowledge. A great number were required, and the range of choice was very



very small. Every effort has been made to overcome these and other difficulties attending the sudden organization, arming, clothing, and drilling of several thousand men. Much has been done in the comparatively short space of time that has elapsed since the commencement of hostilities, but much is still required to complete the work in a satisfactory manner. It is but just, however, to say that the exertions of the Government would have been in vain but for the ready aid and co-operation of all classes of the community.

## AUCKLAND.

The organization of the militia was commenced in the Province of Auckland about the 1st July last, and within one month from that date the whole of the 1st and 2d classes, together with the volunteer force, were embodied and armed, and part of them holding various posts in the country districts in the face of the enemy.

In the Auckland district the whole of the male population between the ages of sixteen and fifty-five years is now on actual service, bearing arms, and doing duty as regular soldiers.

About the beginning of July, Colonel Nixon was authorised by the Government to raise a troop of the defence force; and, owing to this gentleman's great energy and popularity, his troop was enrolled, mounted, armed, drilled, and the force on duty within three weeks from the date of the authority being given. This force has since been increased to one hundred, and they have had their full share of active duty. Colonel Nixon has also under his command four troops of cavalry volunteers, who take their regular share of duty, and have rendered good service as patrols in the suburban and country districts.

Four hundred militia volunteers were enrolled under the command of Lieutenant Colonel Pitt. These were volunteers willing to go on constant duty in any part of the Province, receiving, while in the militia district, ordinary militia pay, and while serving beyond the district, one shilling per diem extra. Most of these men have since taken service in the Waikato regiments as military settlers.

Jackson's corps of Forest Rangers, in number sixty, was formed specially for the purpose of clearing the Hunua and adjacent forest ranges of the marauding parties of Natives who infested those districts, and who harassed and annoyed the outposts, and rendered it unsafe to travel on the Great South Road. This corps is armed with Calisher and Terry's breech-loading carbines and revolvers.

The plan of obtaining military settlers in Australia and elsewhere is fully described in the various papers. It is only necessary, therefore, here to state, that the conditions for enrolment were first published at Auckland on the 4th August, and within one month from that date the first draft of settlers arrived from New South Wales, and within two months upwards of two thousand were enrolled, equipped, and engaged on service. Three regiments of these military settlers have been formed and armed, equipped and drilled, and they are employed with the regular troops in the field.

The ordinary militia and volunteers, including cavalry, of the district, amount to upwards of 3,000, classed as follows:—

|                       |   |   |   |   |   |   |   |       |
|-----------------------|---|---|---|---|---|---|---|-------|
| 1. Militia            | - | - | - | - | - | - | - | 1,639 |
| 2. Cavalry Volunteers | - | - | - | - | - | - | - | 188   |
| 3. Rifle Volunteers   | - | - | - | - | - | - | - | 352   |
| 4. Naval Volunteers   | - | - | - | - | - | - | - | 150   |
|                       |   |   |   |   |   |   |   | 2,329 |

The local corps, armed and organised, are about as follows:—

|                            |   |   |   |   |   |   |   |       |
|----------------------------|---|---|---|---|---|---|---|-------|
| Waiuku                     | - | - | - | - | - | - | - | 70    |
| Mauku                      | - | - | - | - | - | - | - | 70    |
| Pukekohe (since disbanded) | - | - | - | - | - | - | - | 40    |
| Wairoa                     | - | - | - | - | - | - | - | 60    |
| Papakura Valley            | - | - | - | - | - | - | - | 20    |
| Henderson's Mill           | - | - | - | - | - | - | - | 40    |
| North Shore                | - | - | - | - | - | - | - | 125   |
| Other Places               | - | - | - | - | - | - | - | 422   |
|                            |   |   |   |   |   |   |   | 847   |
| Total                      |   |   |   |   |   |   |   | 3,176 |

Stockades, as places of refuge for the out-settlers, have been built at Waiuku, Mauku, Pukekohe, Wairoa, Papakura Valley, and Howick.

The Government have also, at the request of Lieutenant General Cameron, and within the last seven weeks, had about one thousand acres of the forest along the sides of the Great South Road felled and cut up, thus rendering that military road comparatively safe for the purpose for which it was constructed. This important work has been successfully carried out under the energetic management of Mr. John Martyn. Bridges over the Mangatawhiri and Whangamarino Rivers are now being constructed on behalf of the Government.

Warned by the destruction and devastation of the Province of Taranaki, the Government, at the commencement of hostilities in the Auckland district, determined that no part of the settled districts of the Province should fall into the hands of the Natives. The force at the disposal of the Lieutenant General was small compared to the very great extent of country over which it was necessarily distributed, and utterly inadequate for the complete defence of the whole of the settled districts. The settlers in the various districts were speedily organized and armed, and have proved themselves more than equal to their enemies; for though unable to prevent the plunder of scattered homesteads in the bush, they have prevented the rebels occupying the open country, and have in every encounter defeated their opponents, and in some instances, as at Wairoa and Pukekohe, with severe loss. By the firm stand made, the enemy has been held in check; their marauding parties have been compelled to seek the cover of the bush, and homesteads in the open country have been safely occupied by their owners; pillage, destruction, and murder have been confined to the forest and its precincts, and have there been effected only by stealth and surprises. The successful defence of the stockade at Pukekohe deserves especial notice; for upwards of four hours it was, although in an unfinished state, held by a small party of thirty settlers against upwards of two hundred Maoris, who, within fifty yards, under cover of bush, fallen timber, and stumps of trees, kept up a constant and heavy fire upon the settlers. The general success of the resistance made against incursions of the Natives is proof of the success which will ever attend resistance to Maori attack.

Now that all around Auckland is comparatively safe, and we are getting accustomed to the routine of war, we are apt to forget the real danger which threatened the out-districts, and even the town of Auckland itself, at the commencement of hostilities, before time had been found even for arming the militia. Many exaggerated accounts were constantly received of the numbers and dispositions of the native forces. They were expected to attack us at various points, and it was but too apparent that many places, now safe and impregnable to them, were open and exposed to attack. The suddenness of the preparations—the total cessation of business and usual occupations—the paralysis of trade—the unfavourable time of year, in the depth of winter—the sudden exposure to the inclement season, under canvas at night, and during the day labouring in the mud constructing redoubts—were great trials to a peace-loving population; but the spirit shown by all classes was most excellent. There was a general co-operation with the Government. There was no flinching from duty, and danger was willingly faced by the local volunteer corps, and by the regular militia and volunteers of the district.

#### WELLINGTON.

Among the first measures of defence adopted in the Northern Island was the direction given by the Government for raising 150, now increased to 175, mounted men, under the "Colonial Defence Force Act," for service in the Province of Wellington. This force was raised with great promptness under the instruction of Mr. Mantell, a member of the Executive Government, whose presence and exertions at Wellington have been of the greatest benefit to the Colony. The force is armed with Callisher and Terry's breech-loading carbines and revolvers. It is stationed as follows:—

|            |   |   |   |   |   |   |   |   |   |   |   |     |
|------------|---|---|---|---|---|---|---|---|---|---|---|-----|
| Rangitikei | - | - | - | - | - | - | - | - | - | - | - | 75  |
| Wellington | - | - | - | - | - | - | - | - | - | - | - | 100 |

but of this latter number, 50 are intended for service in the Wairarapa Valley.

Immediately after Major Dwyer's resignation of the command of the militia in the province, the Government despatched Major Gorton to assume the command there, and his undivided attention has been given to the equipment and training of the militia and volunteers. By the latest returns received from Wellington, there were 1,196 men of the militia and volunteer forces armed and drilled, and there were 300 rifles available for those of the settlers who, residing outside militia districts, have not yet offered their services as volunteers. The Government also authorised the erection of stockades in such places as the military authorities considered necessary for the defence of the settlers.

The numbers of the militia and volunteers in Wellington and Wairarapa districts are as follows:—

|            |   |   |   |   |   |   |   |   |   |   |   |       |
|------------|---|---|---|---|---|---|---|---|---|---|---|-------|
| Militia    | - | - | - | - | - | - | - | - | - | - | - | 777   |
| Volunteers | - | - | - | - | - | - | - | - | - | - | - | 419   |
|            |   |   |   |   |   |   |   |   |   |   |   |       |
| TOTAL      | - | - | - | - | - | - | - | - | - | - | - | 1,196 |

In carrying out the defensive measures adopted in the Province of Wellington, the Government were greatly assisted by the Superintendent of the Province.

#### WANGANUI.

The first and second classes of the militia have been called out, armed, and drilled. The settlers have formed themselves into mounted corps, and the volunteers have shown the greatest ardour and energy in the work of self-defence.

The



The number of armed men in the district on the 31st August (since which no returns have been received), was as follows:—

|                              |   |   |   |   |   |   |   |            |
|------------------------------|---|---|---|---|---|---|---|------------|
| Militia, 1st and 2nd classes | - | - | - | - | - | - | - | 180        |
| Rifle Volunteers             | - | - | - | - | - | - | - | 321        |
| Cavalry Volunteers           | - | - | - | - | - | - | - | 51         |
| TOTAL                        |   |   |   |   |   |   |   | <u>552</u> |

Seventy-five men of the Colonial Defence Force have been stationed in the Rangitikei.

#### HAWKE'S BAY.

The defensive measures rendered necessary in this province were entrusted to the experience and skill of the Superintendent of the Province, and the Honourable Major Whitmore, the Commander of the Colonial Forces in the Province, and the fullest powers were delegated to those gentlemen.

Authority was given to Major Whitmore for raising 100 men under the "Colonial Defence Force Act," and the promptness with which that officer executed his commission has been universally acknowledged. This force is now not only ready for the defence of Napier, but available, if necessary, for operations elsewhere.

The 1st and 2nd classes of the militia have been armed and drilled. The number of armed men in the Province is as follows:—

|                    |   |   |   |   |   |   |   |   |            |
|--------------------|---|---|---|---|---|---|---|---|------------|
| Militia            | - | - | - | - | - | - | - | - | 600        |
| Rifle Volunteers   | - | - | - | - | - | - | - | - | 71         |
| Cavalry Volunteers | - | - | - | - | - | - | - | - | 79         |
| TOTAL              |   |   |   |   |   |   |   |   | <u>750</u> |

One hundred men of the Colonial Defence Force are stationed in the Province.

#### TARANAKI.

The whole male population is armed. The militia and volunteers are on "actual service," doing duty as regular soldiers, and have very recently distinguished themselves in conflict with the enemy. The numbers are—

|            |   |   |   |   |   |   |   |   |            |
|------------|---|---|---|---|---|---|---|---|------------|
| Militia    | - | - | - | - | - | - | - | - | 605        |
| Volunteers | - | - | - | - | - | - | - | - | 214        |
| TOTAL      |   |   |   |   |   |   |   |   | <u>819</u> |

To obtain constant and rapid communication between Auckland and the districts exposed to danger, and to insure means of transport of troops, if circumstances should render their movement necessary, a steamer has been specially employed to run between Wellington, Wanganui, Taranaki, Raglan and Manukau. Another also has been engaged to do a similar service on the east coast.

Towards the end of 1862 the Government determined to place a small steamer on the Waikato, and after some inquiry, the "Avon" was purchased for that purpose. Her draft of water is too great for her to be as available as is desirable; but, notwithstanding this disadvantage, the vessel has been of great service. The importance of having a suitable steamer for the navigation of the Waikato, determined the Government to have such a vessel constructed in Sydney; and after many delays and much anxiety, the gunboat "Pioneer" has been obtained—a vessel, it is believed, well adapted for the purpose. But so strongly has the necessity been felt for providing means for commanding the navigation of this important artery of the country, and for preparing means of communication with the military settlers to be located in the Waikato country, and of transporting their necessary supplies, that two smaller steamboats, of very light draft of water, have been ordered to be constructed in Sydney. These vessels are being constructed of iron. They will be brought from Sydney in sections, on board a vessel laden with coal, direct to the Waikato river, and put together at the Waikato Heads. They are expected to be ready for the navigation of the river before the drought of summer has rendered it impossible to use vessels of deeper draught in the shallower parts of the river. These two boats are also specially designed of great power, so as to be used as tugs, and thus provide means of transporting supplies up the river. The sailing gunboat "Caroline" has been sold, and the "Tasmanian Maid," steam-vessel, has been purchased for the eastern coast; the latter has been found of the greatest use. This vessel is now known as the Colonial Gunboat "Sandfly."

The result is thus: the number of men enrolled for permanent service in the Northern Island up to the present date—

## I. CAVALRY.

One Regiment, "Colonial Defence Force," of eight Troops, stationed at—

|                       |   |   |   |   |   |   |   |     |     |
|-----------------------|---|---|---|---|---|---|---|-----|-----|
| Auckland, 2 Troops    | - | - | - | - | - | - | - | 100 |     |
| Hawke's Bay, 2 Troops | - | - | - | - | - | - | - | 100 |     |
| Wellington, 2 Troops  | - | - | - | - | - | - | - | 100 |     |
| Whanganui, 2 Troops   | - | - | - | - | - | - | - | 75  |     |
|                       |   |   |   |   |   |   |   |     | 375 |

## II. INFANTRY.

|                                                                       |   |   |       |       |
|-----------------------------------------------------------------------|---|---|-------|-------|
| 1st Waikato Regiment, Lieutenant-Colonel Pitt, 10 Companies           | - | - | 1,100 |       |
| 2d Waikato Regiment, Lieutenant-Colonel Haultain, 10 Companies        | - | - | 1,042 |       |
| 3d Waikato Regiment, Lieutenant-Colonel Lyon (in course of formation) |   |   |       |       |
| about -                                                               | - | - | 477   |       |
|                                                                       |   |   |       | 2,619 |
| In the Imperial Transport Service, but receiving Colonial pay         | - | - | 142   |       |
|                                                                       |   |   |       | 2,761 |
| TOTAL                                                                 |   |   |       | 3,136 |

## III. ARTILLERY.

One Field Battery, of six 12-pounder Armstrong guns, purchased, and shortly expected. Two 40-pounder Armstrong guns, now on board the "Pioneer," for use at the front.

## IV. FLOTILLA.

"Avon," steamer, on the Waikato.  
 "Pioneer," steamer, in Manukau.  
 "Sandfly," steamer, in the Thames.  
 Two smaller steamers now building in Sydney.

## TOTALS of the NEW ZEALAND COLONIAL FORCES.

On permanent service as above—

|                                  |   |   |   |   |   |   |       |            |
|----------------------------------|---|---|---|---|---|---|-------|------------|
| Infantry                         | - | - | - | - | - | - | 2,761 |            |
| Colonial Defence Force           | - | - | - | - | - | - | 375   |            |
|                                  |   |   |   |   |   |   |       | 3,136      |
| Militia and Volunteers, Auckland | - | - | - | - | - | - | -     | 3,176      |
| Do. - do. - Wellington           | - | - | - | - | - | - | -     | 1,196      |
| Do. - do. - Whanganui            | - | - | - | - | - | - | -     | 552        |
| Do. - do. - Taranaki             | - | - | - | - | - | - | -     | 819        |
| Do. - do. - Hawke's Bay          | - | - | - | - | - | - | -     | 750        |
| GRAND TOTAL of                   |   |   |   |   |   |   |       | 9,629 Men. |

Major General Galloway has been appointed to the command of the Colonial Force, and has generously given his services to the Colony gratuitously.

The arms at the various stations are now as follows:—

|                        | Arms.  | Men Armed. |
|------------------------|--------|------------|
| Auckland               | 5,991  | 5,937      |
| Wellington             | 1,554  | 1,196      |
| Whanganui              | 751    | 552        |
| Taranaki               | 865    | 819        |
| Hawke's Bay            | 750    | 75         |
| Colonial Defence Force | 375    | 375        |
| TOTALS                 | 10,286 | 9,629      |



In addition to which, orders have been dispatched to England for —

3,500 Rifles.  
1,400 Breach-loading Carbines.  
1,200 Revolvers.

With the requisite accoutrements and ammunition.

Colonial Defence Office, Auckland,  
20 October 1863.

Thomas Russell.

*Note.*—By the latest information from Wanganui there were only 50 men of the Colonial Defence Force stationed at Rangitikei, but authority has been given for enrolling an additional 25 men there, and no difficulty was anticipated in carrying out the instruction, and it is believed the required number is now enrolled.

FINANCIAL STATEMENT of Mr. Reader Gilson Wood, Colonial Treasurer of New Zealand, in Committee of Ways and Means in the House of Representatives on Tuesday, 10 November 1863.

THE House having, according to order, resolved itself into Committee of Ways and Means,

Mr. Reader Wood spoke as follows:—Mr. O'Rorke, the arrangement which I propose to adopt in making this statement to-night is—

First, to give the position of the various Land, Loan, Special, and Miscellaneous Accounts.

Secondly, a statement of the revenue and expenditure for the financial year, which closed on the 30th June last.

Thirdly, a statement of the extraordinary expenditure on account of the war, which has been incurred since the 1st of July last.

Fourthly, an estimate of revenue and expenditure for the current year.

Fifthly, the proposals of the Government with reference to the financial arrangements which will be necessary in consequence of the present disturbed state of affairs.

In doing this, sir, I shall use large figures, and endeavour, by grouping into masses estimates, receipts, and expenditure, to occupy as little of the time of the Committee as possible consistently with the object I have in view—that of making a clear statement of the financial position of the Colony.

The first account to which I shall refer is the loan of 500,000 *l.* of 1856. It will be recollected, sir, that of the two first divisions of that loan, *i.e.*, the amount appropriated for the payment of the New Zealand Company's debt, and the amount appropriated for the payment of the old debts of the Colony, the balance was consolidated into one sum, which was last year stated to be 1,165 *l.* 2 *s.* 11 *d.*; this sum has been operated upon very little during the past year, 6 *l.* 10 *s.* only having been charged upon it: this was a refund of land purchase-money paid in error in 1854, leaving therefore still a balance of 1,158 *l.* 12 *s.* 11 *d.*, which I propose should remain in the Treasury to meet any small charges of a similar kind, which will, from time to time, most probably be made, and to take up any stray notes of the old Bank of Issue which may be occasionally presented for payment. This is a very proper and convenient fund for the purpose, which it is better to use than to encumber the ordinary estimates with small charges of the kind. Probably in another year or two they will cease to be made, when any remaining balance can be carried to the credit of the revenue account, and thus finally get rid of all remains of the two first divisions of this loan. The third division of that loan, namely, the 180,000 *l.* set apart for land purchases, at the present time stands as follows:—

|                                                       | £. | s. | d. | £.      | s. | d. |
|-------------------------------------------------------|----|----|----|---------|----|----|
| 1. Auckland.—Amount appropriated, 90,000 <i>l.</i>    |    |    |    |         |    |    |
| Expended to 30 June 1863                              | -  | -  | -  | 67,486  | -  | 7  |
| Balance unexpended                                    | -  | -  | -  | 22,513  | 19 | 5  |
|                                                       |    |    |    | 90,000  | -  | -  |
| 2. Wellington.—Amount appropriated, 27,000 <i>l.</i>  |    |    |    |         |    |    |
| Expended to 30 June 1863                              | -  | -  | -  | 25,527  | 11 | 7  |
| Balance unexpended                                    | -  | -  | -  | 1,472   | 8  | 5  |
|                                                       |    |    |    | 27,000  | -  | -  |
| 3. Hawke's Bay.—Amount appropriated, 27,000 <i>l.</i> |    |    |    |         |    |    |
| Expended to 30 June 1863                              | -  | -  | -  | 27,000  | -  | -  |
|                                                       |    |    |    | 27,000  | -  | -  |
| Carried forward                                       | -  | -  | £. | 144,000 | -  | -  |

|                                        |                 |            |         |   |        | £.      | s. | d. |
|----------------------------------------|-----------------|------------|---------|---|--------|---------|----|----|
|                                        | Brought forward | -          | -       | - | £.     | 144,000 | -  | -  |
| 4. Taranaki.—Amount appropriated,      | 36,000 £.       |            |         |   | £.     |         |    |    |
| Expended to 30 June 1863               | -               | -          | -       | - | 4,017  | 13      | 10 |    |
| Balance unexpended                     | -               | -          | -       | - | 31,982 | 6       | 2  |    |
|                                        |                 |            |         |   |        | 36,000  | -  | -  |
|                                        |                 |            |         |   | £.     | 180,000 | -  | -  |
| Total expenditure                      | -               | 124,031    | 6       | - |        |         |    |    |
| Balance of 3d division unexpended      | -               | 55,968     | 14      | - |        |         |    |    |
|                                        |                 | £. 180,000 | -       | - |        |         |    |    |
| Total amount of loan raised            | -               | -          | -       | - | -      | 450,000 | -  | -  |
| Amount disbursed, 1st and 2d divisions | -               | -          | 318,841 | 7 | 1      |         |    |    |
| Amount disbursed, 3d division          | -               | -          | 124,031 | 6 | -      |         |    |    |
|                                        |                 |            |         |   |        | 442,872 | 13 | 1  |
| Balance held by Treasury               | -               | -          | -       | - | -      | 7,127   | 6  | 11 |

The Committee will see, with reference to the Provinces of Wellington and Hawke's Bay, that the Land Purchase Fund may be said to be completely exhausted; but as the Land Fund is appropriated altogether for provincial purposes, it is very right, I think, and proper for the provincial Governments to provide the necessary funds for the further purchase of land.

Sir, the next account to which I shall refer is the loan of 150,000 £., generally known as the War Loan of 1860. There has been expended on that account:—on the relief of the inhabitants of Taranaki, 25,000 £.; repairs to Britomart Barracks, &c., 752 £. 6 s. 1 d.; expenses of native conference, 4,621 £. 14 s. 1 d.; on other miscellaneous matters, the details of which have been laid before the House, 117,846 £.; so that of the total amount of that loan there has been expended 148,220 £. 0 s. 7 d., leaving unexpended a balance of 1,779 £. 19 s. 5 d. That balance, however, will be all required to meet some little outstanding matters with reference to expenditure incurred at Nelson on account of the Taranaki refugees.

Last session, a loan of 500,000 £. was sanctioned, subject to the Imperial guarantee, for certain specific purposes. The schedule of that Loan Act is divided into two parts; the first division, for the reinstatement of Taranaki, was 200,000 £.; and the second division of 300,000 £. was for the purpose of repaying Imperial demands for roads, public works, and other purposes. The Imperial guarantee to that loan has not yet been obtained. As all the correspondence that has taken place with reference to it has been laid before the House, it is unnecessary for me to enter into minute details. The guarantee, however, was not obtained; first of all there was considerable delay on the part of the Imperial Government in stating to Mr. Ward—who was sent home to make arrangements with reference to that guarantee—what they would do and what they would not do; however, they ultimately proposed certain terms to Mr. Ward, subject to which they were willing to grant it. Mr. Ward declined to accede to those terms. His reasons for taking this course have been given fully in the papers before the House. The Bill which the Government had introduced into the House of Commons was then withdrawn, and it became impossible to take any further action in the matter. No payment, therefore, has been made to the Imperial Government on account of their demands, and in fact the Colonial Government has had no portion of the loan at its disposal, with the exception of 100,000 £., which they were authorised to raise by Exchequer bills, until the Imperial guarantee could be obtained. These Exchequer bills have been negotiated to the amount of 100,000 £., and I will now state to the Committee the manner in which these funds have been expended. On account of the first division of that loan, namely, 200,000 £. for Taranaki reinstatement, the following sums have been expended to 30 June 1863:—

|                                                                 | £.        | s. | d. |
|-----------------------------------------------------------------|-----------|----|----|
| Payment to Taranaki Relief Commissioners                        | 37,934    | 7  | 9  |
| Passages to Refugees                                            | 75        | 10 | -  |
| Expenses of Governor and suite at Taranaki                      | 868       | 7  | 1  |
| Transport of Captain Mercer's Mounted Corps                     | 800       | -  | -  |
| Military Buildings at Tataraimaka and Stables for Mounted Corps | 1,097     | 7  | 8  |
| Saddlery, pay, arms, &c., of Mounted Corps                      | 897       | 7  | 4  |
| Militia pay                                                     | 9,608     | 12 | 10 |
| Expenses connected with German Immigration Agency               | 287       | 15 | -  |
|                                                                 | £. 51,569 | 7  | 8  |

Sir, I am perfectly aware that opinions will differ materially as to the exact meaning and interpretation to be put on the first division of the Loan Act. I suppose there will scarcely be two members in this House who will agree as to the exact meaning of the Legislature when they passed that Act. But, sir, it has always appeared to me that there are two things which the Legislature required to be done out of this fund; first it was necessary to restore the peace and security of the Province; and secondly, by the distribution of a certain amount of capital to the settlers after the security of the settlement had



had been restored, to enable them not only to re-occupy their land if they chose, but to give them a fresh start in life; not so much to restore the settlement to its former state, as to give it a new start altogether. Sir, at the time that that Loan Act was passed, there were considerable expenses still going on in the Province of Taranaki with reference to the militia. There was a large militia force then embodied, and they had to be paid, and it was impossible to disband them. It was also necessary, before the peace and security of that settlement could be restored, that possession should be regained by the Crown of the Tataraimaka block. Now, as the House voted no funds specially for Taranaki, or for the continuance of that military expenditure, except the sum of 200,000 £, I considered, and consider still, that the military charges which I have just detailed, were a fair charge upon that re-instatement fund. But, sir, I am aware that this view of the question is disputed by those who are most concerned and most interested in the matter, and, if it is possible to do so, an arrangement will be come to between the Government on the one side and the representatives of the Province of Taranaki on the other, with reference to the appropriation of the reinstatement fund, if such can be done in accordance with the Attorney-General's interpretation of that portion of the schedule to the Loan Act. If that cannot be done, the Government propose again to appeal to this House upon the question, and to request the House definitely to state what it does mean by that vote. Then, sir, with regard to the second division of the Loan Act, the 300,000 £. for repaying Imperial demands, public works, or other purposes, the following sums have been expended:—

|                                       | £.     | s.     | d.  |
|---------------------------------------|--------|--------|-----|
| Roads, Province of Auckland - - - - - | 11,982 | 16     | 1   |
| Stockade at Raglan - - - - -          | 722    | 13     | 2   |
| Roads, Taranaki - - - - -             | 19,052 | 18     | 1   |
| Arms - - - - -                        | 6,112  | 2      | 3   |
|                                       | <hr/>  |        |     |
|                                       | £.     | 37,870 | 9 7 |

Thus the total of the 100,000 £. that has been expended is 89,439 £. 17 s. 3 d. Sir, the Legislation of last session renders it unnecessary for me to say anything with reference to an account that has been frequently debated in this House, the account known as the Reserved Sixths Fund. By that legislation it became my duty to refund the amounts which the Treasury held on that account to the different Provinces. That has been done, with the exception of the Province of Hawke's Bay. The Treasury now holds 2,000 £. of this fund, solely for the purpose of meeting engagements which the Land Purchase Commissioner had entered into, but has not yet completed. Then, sir, there are certain special accounts which it is necessary I should refer to, the main item of which is the Bay of Islands Settlement Act, and I will state to the House what we propose to do with reference to the expenditure which has been incurred on that account. I will first, however, give the items advanced under Acts of Assembly:—

## SPECIAL ACCOUNTS 1862-3.

On the 30th June 1863.

| <i>Acts of General Assembly.</i> |       |        |     | <i>Acts of General Assembly.</i> |       |        |     |
|----------------------------------|-------|--------|-----|----------------------------------|-------|--------|-----|
| To the credit of                 |       |        |     | Advances on account of           | £.    | s.     | d.  |
| Bank of Issue Winding-up         | £.    | s.     | d.  | Auckland Reserves Act -          | 2,505 | 8      | 2   |
| Act - - - - -                    | 574   | 12     | -   | Bay of Islands Settlement Act -  | 6,025 | 12     | 6   |
| Gold Duty Act - - -              | 1,389 | -      | 11  | Gold fields, Coromandel -        | 1,980 | 6      | 10  |
|                                  | <hr/> |        |     |                                  | <hr/> |        |     |
|                                  | 1,963 | 12     | 11  |                                  | £.    | 10,511 | 7 6 |
| Balance - - - - -                | 8,547 | 14     | 7   |                                  |       |        |     |
|                                  | <hr/> |        |     |                                  |       |        |     |
|                                  | £.    | 10,511 | 7 6 |                                  |       |        |     |

With reference to the Bay of Islands Settlement Act, I believe it is the last time this Committee will be troubled with any statement in reference to expenditure on that account, as we propose that the land should be handed over to the Superintendent of Auckland, subject to the charges have been incurred for surveys, and I believe my hon. friend sees his way to locate some immigrants who are expected very shortly to arrive at the Bay of Islands on that land. Sir, I will now state to the Committee the amounts which the Treasury was liable for, and the way in which it accounted for its liabilities on the 30th June last:—

## STATEMENT OF FINANCIAL POSITION, 30 JUNE 1863.

| Treasury liable for—                              |       |  |  | £.     | s.      | d.  |
|---------------------------------------------------|-------|--|--|--------|---------|-----|
| Balance of all Revenue Accounts - - - - -         |       |  |  | 92,192 | 12      | —½  |
| " of Loan of 500,000 £. of 1856 - - - - -         |       |  |  | 7,127  | 6       | 11  |
| " of Loan of 150,000 £. of 1860 - - - - -         |       |  |  | 1,779  | 19      | 5   |
| " of advances from Commissariat at New Plymouth - |       |  |  | 45     | 9       | 7   |
| " of Deposit Accounts - - - - -                   |       |  |  | 18,448 | 13      | 9½  |
|                                                   | <hr/> |  |  | £.     | 119,594 | 1 9 |

Accounted for—

|                                                          | £.     | s.      | d.  |
|----------------------------------------------------------|--------|---------|-----|
| By payments under Loan Act, 1862, in excess of Treasury  |        |         |     |
| Bills issued - - - - -                                   | 26,370 | 18      | 6   |
| War expenses - - - - -                                   | 5,552  | 6       | -   |
| Under sundry Acts of Assembly - - - - -                  | 8,547  | 14      | 7   |
| Cash Balance in hands of Treasurer and Sub-Accountants - | 79,123 | 2       | 8   |
|                                                          | £.     | 119,594 | 1 9 |

Having thus picked the dry bones of these loans, I will now turn to the second part of this statement, namely, the revenue and expenditure from 1 July 1862 to 30 June 1863, an account, I think, which will be found somewhat more interesting than those which I have just gone through.

Sir, last year we estimated the customs revenue at 413,000 £. It has realised 489,150 £; and I think it will be interesting to ascertain how the estimates which my hon. friend, in his financial statement last year, gave of the various amounts of customs revenue which it was expected to obtain from the Provinces, come out. The customs revenue of the Province of Auckland was estimated at 92,000 £, and it actually produced 92,880 £; the estimate for Taranaki was 8,000 £, actual yield 7,289 £; the estimates for Wellington 40,000 £, actual yield 41,737 £; the estimate for Napier 9,000 £, actual yield 9,005 £; the estimate for Nelson 22,500 £, actual yield 22,185 £; the estimate for Marlborough 2,000 £, actual yield 3,099 £; the estimate for Canterbury 50,000 £, actual yield 60,364 £; the estimate for Otago, which at that time was considered a remarkably high estimate, and one that it was supposed would scarcely be realised, was 180,000 £, actual yield 215,623 £; but the most extraordinary rise of all was that of Southland, the estimate for which was 9,500 £, and actual yield 36,714 £; a small sum of 114 £. was also received from the Chatham Islands, making a total actually received of 489,150 £.—an increase of 18 per cent. beyond the amount estimated. Sir, I think that it is a very satisfactory statement indeed of the customs revenue of the country. The revenue statement, then, will stand thus:—

| RECEIPTS.                                            | ACTUAL. | ESTIMATE. |
|------------------------------------------------------|---------|-----------|
|                                                      | £.      | £.        |
| Customs - - - - -                                    | 489,150 | 413,000   |
| Postal - - - - -                                     | 26,861  | 20,000    |
| Judicial - - - - -                                   | 19,177  | 14,000    |
| Registration of Deeds - - - - -                      | 6,769   | 7,000     |
| Fees for Register of Births, Deaths, and Marriages - | 1,722   | 1,500     |
| On issue of Crown Grants - - - - -                   | 1,690   | 1,500     |
| Miscellaneous - - - - -                              | 4,594   | 1,000     |
| £.                                                   | 549,963 | 458,000   |

Making a total of 549,963 £. received, as against 458,000 £. estimated, being an increase of 20 per cent.

Now, sir, I come to the other side of the account—the expenditure. And I will follow, with reference to the expenditure, the same plan I have adopted with reference to the receipts. I will show the amounts estimated and the amounts expended.

| EXPENDITURE, 1862-63.       | ACTUAL. | ESTIMATE. |
|-----------------------------|---------|-----------|
|                             | £.      | £.        |
| Civil List - - - - -        | 25,000  | 25,000    |
| Permanent Charges - - - - - | 79,000  | 82,796    |
| Appropriations—             |         |           |
| General—                    |         |           |
| Executive - - - - -         | 4,000   | 4,275     |
| Legislative - - - - -       | 15,000  | 15,050    |
| Judicial - - - - -          | 600     | 600       |
| Registration - - - - -      | 2,800   | 2,890     |
| Customs - - - - -           | 675     | 675       |
| Postal - - - - -            | 47,100  | 47,100    |
| Militia - - - - -           | 9,581   | 9,581     |
| Miscellaneous - - - - -     | 12,156  | 12,156    |
|                             | 91,912  |           |



| EXPENDITURE, 1862-63.             |   |   |   |   |   |   |   |   |   | ACTUAL.    | ESTIMATE. |
|-----------------------------------|---|---|---|---|---|---|---|---|---|------------|-----------|
|                                   |   |   |   |   |   |   |   |   |   | £.         | £.        |
| Provincial—                       |   |   |   |   |   |   |   |   |   |            |           |
| Auckland                          | - | - | - | - | - | - | - | - | - | 18,111     | 18,684    |
| Taranaki                          | - | - | - | - | - | - | - | - | - | 2,300      | 2,800     |
| Wellington                        | - | - | - | - | - | - | - | - | - | 10,200     | 10,275    |
| Hawke's Bay                       | - | - | - | - | - | - | - | - | - | 3,355      | 3,876     |
| Nelson                            | - | - | - | - | - | - | - | - | - | 6,647      | 7,002     |
| Marlborough                       | - | - | - | - | - | - | - | - | - | 2,170      | 2,915     |
| Canterbury                        | - | - | - | - | - | - | - | - | - | 14,624     | 15,004    |
| Otago                             | - | - | - | - | - | - | - | - | - | 29,343     | 29,343    |
| Southland                         | - | - | - | - | - | - | - | - | - | 3,580      | 3,830     |
|                                   |   |   |   |   |   |   |   |   |   | 280,242    |           |
| Refunds                           | - | - | - | - | - | - | - | - | - | 4,425      |           |
|                                   |   |   |   |   |   |   |   |   |   | 290,667    |           |
| 3ths Customs Revenue to Provinces |   |   |   |   |   |   |   |   |   | 183,280    | 164,648   |
| Balance                           | - | - | - | - | - | - | - | - | - | 76,016     |           |
|                                   |   |   |   |   |   |   |   |   |   | £. 549,963 | 458,000   |

Thus, then, after paying all the appropriations and the three-eighths to the provinces, a surplus is left of 76,016 £. The surplus estimated last year was something under 10,000 £. It will be seen from this statement that upon the sum voted last year there has been a saving of about 6,000 £; but there has been expended, without appropriation, about 12,000 £; this, however, is practically only 6,000 £. over the votes of last year. When we consider that the revenue has increased at the rate of 20 £. per cent., whilst the unauthorised expenditure does not amount to quite 1 £. per cent., and while a great deal of this is nothing more than an excess of some matters, such as printing, stationery, and things of that kind, over the amount estimated as sufficient to provide for them, I think I may say that for the year ending 30th June last, there has been no excessive expenditure beyond the amount voted by this House. Now, Sir, with reference to the surplus of 75,016 £., I propose to charge upon that the sum of 1,672 £. supplementary for the year 1861-62, still unprovided for; also, the supplementary expenditure for the past year of 12,700 £.; and I also propose to charge upon it the cost of erecting the new Custom House at Dunedin, 11,600 £. In the first instance it was understood that the cost of that Custom House would be defrayed from one of the Otago loans; but the superintendent of that province seemed to have larger demands upon his loans than he could very well satisfy, and requested me when I was there to propose to the House that the amount expended on the new Custom House should be charged rather upon the surplus revenue than upon the loan. There is a sum which has been outstanding for some time, and which has been the cause of a great deal of correspondence with the Post Office authorities. It is an accumulation of arrears for the last five or six years, and they arose in this way:—By the Treasury Minute of November 1855, the Colony understood that it was not liable to contribute to the main line before the branch service from Sydney was established, but the Post Office authorities from the very commencement have charged the Colony with its contribution to that main line. The Colony also understood that it was to pay for that line in proportion to the number of letters which it despatched, but the Post Office authorities from the first have called upon the Colony to pay in a combined ratio, according to the number of letters despatched and the distance from Galle; and, thirdly, the Colony understood that it was to be credited with all the postal revenue which was paid within the Colony, all letters being pre-paid, whilst the Post Office authorities have demanded that we should account to them for a sum of fourpence upon every letter despatched from New Zealand to Australia. The annual estimates have also proved insufficient to meet the legitimate charges on account of the ocean line. Well, Sir, these various items have been resisted time after time, and despatches have been written and minutes have been written, of which information will be found in the Blue Books before the House, and the arguments have been very good and remarkably convincing, but the Post Office authorities stick to their point, and tell us that if we don't forward the amount due, they won't send our letters. When Mr. Crosbie Ward went to England, he was authorised to settle these matters with them, and he found them as stiff as possible upon the first two points, but ultimately they agreed to a commuted charge of 300 £. a year instead of the claim of fourpence on inter-colonial letters. Now, Sir, the total amount of these arrears is 26,300 £., half of which, or 13,300 £., I propose to charge upon the supplementary expenditure of this year, and to make provision for the payment of the other half out of the revenue of the current year. The surplus account will stand in this way if this proposal is adopted:—

Taking 76,016 £. as the surplus, we propose to charge upon it—

|                                      | £.     | s. | d. |
|--------------------------------------|--------|----|----|
| Supplementary expenditure, 1861-1862 | 1,672  | -  | -  |
| Ditto ditto 1862-1863                | 12,700 | -  | -  |
| Cost of Custom House, Dunedin        | 11,600 | -  | -  |
| Half of postal arrears               | 13,300 | -  | -  |

in all 39,272 *l.*, which being deducted from 76,016 *l.* leaves still a surplus for distribution of 36,744 *l.*

Sir, with reference to the supplementary expenditure for the financial year ended 30th of June 1863, amounting to 12,716 *l.* as I have already stated, it is made up of a number of items of this kind:—First, there has been a payment of 267 *l.* 12 *s.* 6 *d.* travelling expenses on account of the Governor's establishment; a clerk has been supplied to the Chief Justice, and the travelling expenses of the judges exceeded the estimate of 600 *l.* by 150 *l.*; there are some Post Office contingencies, and the amount voted for the Marine Board was not sufficient to pay the expenses of that Board; then there was an error of addition in the miscellaneous items on the estimates last year to the extent of 1,000 *l.*, which is also included in the supplementary expenditure; for printing and stationery, 600 *l.* extra was required; 1,619 *l.* was required for military allowances in Otago; the census expenses were under estimated by 228 *l.*; 273 *l.* 16 *s.* 10 *d.* was incurred in the relief of the crew of H.M.S.S. "Orpheus" at the time of the wreck, on the 7th February last; then there is an item, which really amounts to something considerable year after year, for the apprehension of deserters. The Imperial authorities are always accusing the Colonial authorities of not providing sufficient establishments; they have accused us of not apprehending these deserters, not taking sufficient care to prevent desertion, or to prevent settlers concealing them: 900 *l.* was paid last year for the apprehension of deserters. The military authorities regard it as a matter of police with us, and we regard it as a matter they should look after themselves; and it appears in this case, as in many others, when the Colonial and Imperial authorities disagree, the Colony has to pay. Then, Sir, for the province of Auckland, the electoral printing expenses were not sufficient by 250 *l.*: at Taranaki a bailiff was wanted for the resident magistrate's court, and there are a variety of other little matters of this kind. At Southland the extension of population had caused considerable increase of expenditure; the Post Office alone requiring as much as 1,000 *l.* These, with other items of a similar description, make up the whole to 12,716 *l.*; details of which will be laid on the table of the House in full. Now, Sir, that concludes the statement of revenue and expenditure for last year.

I will now turn to a matter which has excited some little interest in this country, namely, a statement of the expenditure arising out of the native insurrection, from the 1st July to the 13th October, and supplement it up to the first of this month.

STATEMENT of Expenditure arising out of the Native Insurrection, say from 1 July to 13 October 1863.

|                                                                                                                                            | £.    | s. | d. | £.      | s. | d. |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------|----|----|---------|----|----|
| Vessels.—"Sand Fly," &c. - - - -                                                                                                           | 5,471 | 3  | -  |         |    |    |
| First and second instalment for<br>"Pioneer" or "Waikato" - - - -                                                                          | 4,000 | -  | -  |         |    |    |
|                                                                                                                                            |       |    |    | 9,471   | 3  | -  |
| Removal of settlers from Raglan and Wairoa - - - -                                                                                         | -     | -  | -  | 543     | 18 | -  |
| Blockhouses - - - - -                                                                                                                      | -     | -  | -  | 2,398   | 12 | 6  |
| Native Forces, Guides and Interpreters - - - -                                                                                             | -     | -  | -  | 493     | 1  | 5  |
| Pay of Forces - - - - -                                                                                                                    | -     | -  | -  | 49,221  | 19 | 11 |
| Passages of Volunteers, Cost of Stores, Arms, &c. &c. - -                                                                                  | -     | -  | -  | 42,590  | 13 | -  |
| Horses - - - - -                                                                                                                           | -     | -  | -  | 5,094   | 14 | -  |
| Miscellaneous - - - - -                                                                                                                    | -     | -  | -  | 2,380   | 4  | 3  |
| Road-clearing and Bridge at Maungatawhiri - - - -                                                                                          | -     | -  | -  | 2,700   | -  | -  |
|                                                                                                                                            |       |    | £. | 114,894 | 6  | 1  |
| Remittances for similar purposes to Sub-Treasurers at New<br>Plymouth, Wellington, Whanganui, and Napier, and<br>Agent in London - - - - - | -     | -  | -  | 31,300  | -  | -  |
|                                                                                                                                            |       |    | £. | 146,194 | 6  | 1  |

There is a great point in this 13th October, because it happened to be exactly three months from the date when General Cameron crossed the Mangatawhiri, and thus it gives you the best way you can obtain the expenditure running over a period of three months, and it enables you to calculate the probable annual expenditure on account of the war more accurately than it can be done in any other way. Sir, from July 1st to the first of this month, including in the account all further expenditure, and including all liabilities, the sum of 200,000 *l.* will cover the whole (hear, hear), the whole expense for a period of four months. Now, Sir, considering all that has been written upon this question, the extravagant and extraordinary estimates that have been made of the sums we were spending, considering all the difficulties that the Government has been placed in, and the demands made upon them at a moment's notice for the security of the country, I think, notwithstanding all that has been said, it will be generally considered that a great economy has been exercised in what we have done in this matter, for which we have not received credit. (Cheers.) Sir, before I proceed to the estimate of revenue and expenditure of the current financial year, and as I shall afterwards have to enter into the question of raising a loan of very considerable amount, I wish to draw the attention of this Committee



mittee to some few points which, to my mind, show in a very clear and striking manner the extraordinary progress in wealth and prosperity made within a very short period by this Colony. Sir, in the year 1860-61 the Customs' revenue was 205,000 *l.*, which was an increase of 15½ per cent. on that of the previous year. In 1861-62 it was 339,393 *l.*, or an increase of 65 per cent. on the previous year; and in 1862-63 it was 489,000 *l.*, an increase of 44 per cent.

On the 31st December 1860, the population of the Colony was 83,919 souls; on the 31st December 1862, it was 133,114 souls, being an increase of 49,195, or nearly 60 per cent.

In the year 1860, 140,276 tons of shipping entered inwards at the various ports of New Zealand; in 1862 the tonnage entered was 301,000, showing an increase of 160,724 tons, or 114 per cent.

In 1860 the value of the imports was 1,548,333 *l.*; in 1862 the value was 4,626,082 *l.*

In 1860 the exports amounted to 588,000 *l.*, and in 1862 to 2,422,734 *l.* Up to the 31st December 1860, the total value of gold exported from the Colony was 138,898 *l.* 2 *s.* 3 *d.* On the 31st December 1862 the total value of gold exported was 4,377,708 *l.*, of which 4,130,174 *l.* was the produce of Otago.

In 1860 the value of wool exported was 444,392 *l.*; in 1862 it was 674,226 *l.*

In 1860 the ordinary and territorial revenue amounted to 464,739 *l.*, and in 1862 to 1,186,009 *l.*

The Bank returns also show the most extraordinary advance within the short period of three years. In 1860 the total deposits in the various banks in the Colony (then only two in number) were 660,000 *l.*; and in 1863, up to the 30th September, they amounted to 2,171,165 *l.* The total assets on the 31st of December 1860, were 1,009,425 *l.*, and on the 30th September 1863, 4,038,178 *l.* On the 31st December 1860, the total liabilities were 824,669 *l.*; and on the 30th September 1863, 3,026,184 *l.* There is nothing in my mind which shows so strongly the very rapid advancement in wealth and prosperity of this Colony than a comparison of these returns. Its revenues, its population, its shipping, its imports, its exports, its mineral resources, its trade and commerce, are extending and increasing with almost unexampled rapidity.

Sir, before I proceed to an estimate of the Customs' Revenue for the current year, I wish to say a few words about the tariff. My hon. friend the Member of the Gold Fields, proposes to-morrow to put a question to the Government with reference to the tariff; and I think it is very advisable that he and this Committee should be in possession of some information with reference to that subject which I have now to give, and which may perhaps modify his opinion very considerably as to the necessity for making any very material alterations. Sir, the value of the imports for the six months ended June 30th last, was 2,979,502 *l.*, of which 1,428,252 *l.* entered duty free, and the remainder, to the value of 1,551,250 *l.*, paid duty. We all know what the duty is upon spirits, wine, sugar, and tea, and on all articles paying a fixed duty; but duty is levied upon a variety of articles at 4 *s.* per cubic foot, and upon others at 3 *s.* per hundredweight; and it is not so easy to ascertain the *ad valorem* rate upon these. I have never yet seen any statement exhibiting the percentage that is paid upon the value of these imports, and very exaggerated notions are abroad of the amount of taxation paid by the people of this Colony. Now, Sir, the duty which is paid upon spades and shovels is 2½ per cent. *ad valorem*; the total value imported during the last six months being 12,785 *l.*, and the duty upon them 294 *l.* 1 *s.* 7 *d.* Upon boots and shoes, which were imported to the value of 96,489 *l.*, the duty levied was 5,368 *l.*, or a percentage of 5½. Upon candles the duty amounted to 2½ per cent.; upon cotton goods, 5½ per cent. (hear, hear); upon silk, 3½ per cent.; upon slop clothing, 6½ per cent. (hear, hear); upon wollen clothing, 6½ per cent.; and upon other goods of a similar description, 6½ per cent. (Hear, hear.) Upon dried fruits, an article of great luxury, I should say, the duty comes to 17 and 1-10th per cent.; upon bottled fruit, 12½ per cent.; upon hardware and cutlery, 2½ per cent.; on holloware, 5½ per cent.; on ironmongery, 2½ per cent.; on oilman's stores, nearly 14 per cent.; and upon soap, nearly 7 per cent. With the exception of some few articles, which may be classed as those of considerable luxury, consumed only by persons who can very well afford it, I consider that the amount of duty which is levied under this tariff does not press hardly upon the people of the Colony. Sir, for the current year upon which we have entered, we estimate the total Customs' Revenue at 603,600 *l.*, and it is made up in this way:—

| ESTIMATED REVENUE. |   |   |   |   | £.      | s. | d. |
|--------------------|---|---|---|---|---------|----|----|
| Customs—           |   |   |   |   |         |    |    |
| Auckland           | - | - | - | - | 105,000 | -  | -  |
| Taranaki           | - | - | - | - | 7,500   | -  | -  |
| Wellington         | - | - | - | - | 42,000  | -  | -  |
| Hawke's Bay        | - | - | - | - | 10,000  | -  | -  |
| Nelson             | - | - | - | - | 25,000  | -  | -  |
| Marlborough        | - | - | - | - | 4,000   | -  | -  |
| Canterbury         | - | - | - | - | 80,000  | -  | -  |
| Otago              | - | - | - | - | 270,000 | -  | -  |
| Southland          | - | - | - | - | 60,000  | -  | -  |
| Chatham Islands    | - | - | - | - | 100     | -  | -  |
| Total Customs      | - | - | - | - | 603,600 | -  | -  |

|                                            | £.     | s.      | d.  |
|--------------------------------------------|--------|---------|-----|
| Post Office - - - - -                      | 40,000 | -       | -   |
| Judicial - - - - -                         | 25,000 | -       | -   |
| Registration Fees (Land and Deeds) - - -   | 12,000 | -       | -   |
| Fees—Registration, Births, Deaths, &c. - - | 2,500  | -       | -   |
| ” Crown Grants - - - - -                   | 3,000  | -       | -   |
| Miscellaneous - - - - -                    | 5,500  | -       | -   |
|                                            | £.     | 691,600 | - - |

There is, Sir, one consideration which, I think, must be felt to be a source of satisfaction to every one, that from the very commencement of representative institutions in this Colony there has been no single instance of speculative finance; no single instance, however much pressed the Finance Minister has been, in which he has over estimated the resources of the Colony, no single instance in which the ordinary revenue has been estimated in excess of the amount which has been realised; but instances are innumerable where it has been estimated at considerably less than it has realised. And I may say in this case there is no speculative finance. These items which I have read to you are actually now being received by the various collectors of revenue in this Colony, and there cannot be any reasonable doubt of the sum of 691,600 £. being realised during the current financial year. The Estimates will be laid on the table immediately, and you will there see the details in full. I will simply content myself with a *résumé* of the whole:—

## EXPENDITURE for current Financial Year.

|                                      | £.      | s.      | d.  |
|--------------------------------------|---------|---------|-----|
| Civil List - - - - -                 | 25,000  | -       | -   |
| Permanent Charges - - - - -          | 130,490 | -       | -   |
| Executive - - - - -                  | 4,825   | -       | -   |
| Legislative - - - - -                | 12,310  | -       | -   |
| Judicial - - - - -                   | 1,950   | -       | -   |
| Registration - - - - -               | 6,460   | -       | -   |
| Customs - - - - -                    | 1,375   | -       | -   |
| Postal - - - - -                     | 80,430  | -       | -   |
| Militia - - - - -                    | 25,000  | -       | -   |
| Miscellaneous - - - - -              | 10,000  | -       | -   |
| TOTAL General Charges - - -          | 297,840 | -       | -   |
|                                      | £.      | s.      | d.  |
| Auckland - - - - -                   | 21,633  | -       | -   |
| Taranaki - - - - -                   | 2,334   | -       | -   |
| Wellington - - - - -                 | 10,992  | -       | -   |
| Hawke's Bay - - - - -                | 4,537   | -       | -   |
| Nelson - - - - -                     | 7,532   | -       | -   |
| Marlborough - - - - -                | 3,489   | -       | -   |
| Canterbury - - - - -                 | 22,072  | -       | -   |
| Otago - - - - -                      | 56,510  | -       | -   |
| Southland - - - - -                  | 17,215  | -       | -   |
| Total Provincially charged - - - - - | 146,314 | -       | -   |
| Three-eighths Customs - - - - -      | 226,350 | -       | -   |
| Surplus - - - - -                    | 21,096  | -       | -   |
|                                      | £.      | 691,600 | - - |

There will then be three-eighths of the customs revenue to be handed over to the provinces, amounting to 226,350 £.; thus leaving a surplus of 21,096 £. to balance the estimated revenue. Sir, I now proceed to the last subject on which I propose to occupy your attention to-night, namely, to the financial proposals of the Government in reference to the existing state of affairs in this country. My hon. friend, the Colonial Secretary, when he addressed the House the other day, stating the policy of the Government, told you that we intended to provide for the extraordinary expenditure on account of the war by means of a large loan. Sir, the Government have two objects in view: first of all, the suppression of the present rebellion; and, secondly, if possible, the rendering it impossible that there should be any rebellion in future. The rebellion can be suppressed at the present time only by one means, by the use of force,—force against force. The exact amount that it will cost the Colony to suppress the rebellion it is, of course impossible for me to say, unless I can be told the length of time the war will last, and the demands which the General will make upon the Government of the Colony for men and means. Sir, I am not one of those who think that by any one great battle the natives in this country will be subdued, and that we shall all of a sudden pass from a period of war and trouble and anxiety to a period of serenity and peace. Nor am I one of those who think that this war will be interminable or lasting for many years.

I am



I am very much of the opinion of my hon. friend the Member for Southland, who said that these natives were simply men and women like ourselves; and I believe that when they see, as they soon will see, that all their efforts against us are practically unavailing,—when they see, as they soon will see, that we are by far the superior power, they will then do that which we want them to do, namely, submit to the sovereignty of the Queen, and to the law. Before peace is secured to this country, however, there must necessarily be a considerable amount of expense incurred in the suppression of the rebellion. Exactly what that amount will be, it is impossible either for me or any one else to say; but what the Government is anxious to do in the matter is to ask the House to vote a sum which they believe in itself is not more than we may reasonably expect will be required to be expended for this purpose. Sir, we ask the House to vote a sum, to be raised by loan, for the purpose of war expenditure in connexion with the suppression of the present rebellion, of a million of money. Then, supposing the war over, or supposing that it is driven far from our doors, we propose to commence a system of immigration, a system of colonisation by which a population will occupy the waste lands of the rebel districts, and prevent the possibility at any future time of these natives again rising in insurrection against us; and for the introduction of this population, the exact time in which it will be possible to introduce it, I cannot say, nor can I tell the exact number which it will be necessary to introduce; but we think that it is advisable that steps should be taken immediately to commence that immigration; we ask, then, for the purpose of immigration the sum of 300,000 £. This population which we propose to introduce, and, in point of fact, the whole population of the Colony, ought to be armed, and we propose to ask the House to appropriate 100,000 £. to be expended in arms. There will be a variety of expenses incurred in the location of these immigrants, and it will be necessary for their employment, and for the proper colonisation of the country, that public works to a considerable extent should be commenced. Exactly what those works will be, it is of course impossible to say; and the amount that will be required to be expended upon them, it is equally impossible to say. But, Sir, we desire, as much as possible, to make use of the natural resources of this country. The settlements of Raglan and Tauranga can be approached by the great highway of the ocean, and Raglan and Tauranga are on the flanks of the Ngatimaniapoto country. The rivers Thames, Waikato, and Waipa run up towards that very country, and we propose to locate settlers at proper positions upon those rivers; and we propose also, in order that there should be no delay in locating the settlers at the very earliest opportunity, and maintaining communication with them, to render these rivers navigable for steamers of light draught. We believe this could be done at a very inconsiderable expense—an expense very much less than would be required to make roads from one end of the country to the other; and there will be this advantage connected with it, independently of the saving of money, that communication can be obtained almost immediately with the settlements that are planted, and the settlements themselves can be planted in positions where it would be impossible to place them, if the only means of access to them were by roads. For these public works—roads, bridges, rendering rivers navigable, surveys, and general expenses of location—we propose to ask the House to appropriate 900,000 £. We think it advisable that a sum of money should be set apart for the purpose of constructing an electric telegraph, where it is possible that an electric telegraph can be constructed in this country. It can be constructed throughout the whole of the Middle Island, and carried by means of a submarine cable across Cook's Straits. We propose that measures should be taken almost immediately to commence a work of that kind in conjunction with the Provincial Governments of the Middle Island, who have already taken steps in the matter. And though I myself have indicated a plan to continue that submarine cable from D'Urville's Island to the Manukau, yet, upon further consideration, we think it better not to undertake a scheme so extensive as that at present, but rather to wait another year to see if it may not perhaps be possible to continue the telegraphic communication from Cook's Straits to other parts of this northern island. It would be impossible, of course, to do it at the present time; but it is not perhaps too wild a supposition to suppose that it may be practicable to commence it in another year. At any rate we propose a sum of 150,000 £. to be set apart for the purpose of constructing electric telegraphs; and a further sum of 50,000 £. for a not less useful work, the construction of lighthouses upon various parts of the coast of New Zealand. That makes a total of 2,500,000 £., which we shall ask the House to appropriate for the various purposes which I will recapitulate:—

|                              | £.        | s. | d. |
|------------------------------|-----------|----|----|
| War expenditure - - - - -    | 1,000,000 | -  | -  |
| Immigration - - - - -        | 300,000   | -  | -  |
| Public Works - - - - -       | 900,000   | -  | -  |
| Arms - - - - -               | 100,000   | -  | -  |
| Electric Telegraph - - - - - | 150,000   | -  | -  |
| Lighthouses - - - - -        | 50,000    | -  | -  |
| £.                           | 2,500,000 | -  | -  |

With reference to the loan of 500,000 £, of last year, for which we have not yet received the Imperial guarantee, we consider that if that guarantee can be now obtained upon the terms upon which it was offered to Mr. Ward it should be accepted, and that loan would then remain as it is. If, on the other hand, we find that guarantee cannot be obtained on those terms, we propose to absorb it in this loan, thus making a total of 3,000,000 £; and we propose also, that, as this large sum of money is required, not only for the pacification and colonisation of the country, but also that it will have, as I believe, if the plan is successful, the most beneficial effects as regards the civilisation and general welfare of the natives, that we should apply to the Imperial Government for so much assistance, if they will give it, as their guarantee to this three millions will afford us. In that case, Sir, the interest, of course, will be 4½ per cent. But if we are unable to obtain this assistance from the Imperial Government—and we have some hopes, at any rate, of obtaining it—then, we propose that the Colony should negotiate the loan upon its own account, at 5½ per cent. interest, and 1½ per cent. sinking fund, making a total charge of 6½ per cent. The interest and sinking fund of this loan will be, in the first instance, of course, charged upon the general revenue of the whole Colony; but when the lands in rebel districts are taken and sold, the loan itself will be a first charge upon the proceeds of the sale thereof. Exactly what amount of land will be available it is difficult to say: but if we take all the land that belongs to the rebel natives in the Thames and Waikato, at Taranaki and at Wanganui, I think there will be nearly, after locating the settlers upon it, a balance of something closely approaching to 2,000,000 of acres. And we consider that although it will be impossible to realise upon that all at once, yet before very long the proceeds of those sales will repay the whole of this expenditure that we now ask the House to grant. Sir, I will not occupy the attention of the Committee any longer. I feel that the details which I have been obliged to enter into, have been excessively dry and uninteresting; and I have to thank the House for the very patient attention it has afforded me. I will now place in the hands of the chairman of the Committee the following resolution: “That in the opinion of this Committee the expense of suppressing the present insurrection in the Northern Island, and colonising the rebel districts should be provided for by loan.”

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1. THAT whilst this Council is ready to co-operate in whatever measures may be requisite for effectually and permanently quieting the present disturbances, it is of opinion that it is neither just nor politic to enact laws of undue severity against persons of the native race; and that, as regards the European population of this colony, there is no ground for disturbing the ordinary course of law.

2. That in the district of the Waikato, and between Taranaki and Wanganui, in the Northern Island, great disturbances exist; armed parties of natives are in open resistance to Her Majesty's forces, refusing obedience to Her Majesty's lawful commands; and murders and outrages by natives, on persons of the European race, are of frequent occurrence.

3. That for the purpose of quieting such disturbances; ensuring the safety of Her Majesty's subjects in the Colony of both races, for permanently tranquillizing the said disturbed districts, and maintaining Her Majesty's authority in and through the same, it is indispensably necessary that the natives so in arms should be effectually subdued, and that roads should be carried through the said districts, and European settlements, capable of self-defence, formed therein:

4. That, in the opinion of this Council, it would be eminently conducive to the peace and progress of the Colony, and to the safety of Her Majesty's subjects of both races therein, that roads should, as speedily as circumstances will admit, be constructed throughout the Northern Island, connecting the principal settlements with each other.

5. That, in the prosecution of the before-mentioned objects, strict regard ought to be had to the territorial rights of the natives; as guaranteed to them by the honour of the British Crown, by their constitutional privileges as subjects of Her Majesty, and by the eternal laws of justice and right.

6. That such rights will be justly forfeited to Her Majesty by natives who, after a law duly made and promulgated in that behalf, shall, after a day fixed, remain in arms against Her Majesty; and that it is expedient that such a law should be passed:

7. That, as regards lands of the natives not so forfeited, but which may be required by the exigencies of the public service for objects conducive to public utility or defence, they ought to receive full compensation for the same, to be ascertained, measured, and paid as nearly as may be in accordance with the usual course of law applicable in such cases to Her Majesty's European subjects.

8. That all persons acting reasonably and *bonâ fide* in the suppression of the present disturbances, under or in pursuance of Her Majesty's authority, or in execution of orders from



from the Civil or Military Authorities, ought to be indemnified against legal liability in respect of acts so done by them; and that an Act ought to be passed to that effect.

9. That this Council will cheerfully co-operate in measures properly conducive to the above objects, and will be prepared to pass such Acts as may be requisite for effectuating the same.

THE Imperial Act (20 & 21 Vict. c. 51), provides that no Act passed by the Legislature of New Zealand, in anywise discharging or varying the security given by a certain Act of the General Assembly on the Revenue, arising from the disposal of waste lands of the Crown, shall be valid unless such Act contain a clause suspending the operation until Her Majesty's pleasure shall have been taken thereon.

It may be urged that the New Zealand Settlement Bill is in conflict with this provision, inasmuch as it may be said that lands to which the Bill applies are Crown lands, and that the security is varied by dealing with them, and thus affecting the Waste Lands Revenue. It appears to me doubtful whether the provision referred to is open to such a construction.

There is not, in my opinion, any other legal objection to the Bill.

(signed) *Frederick Whitaker,*  
A. G.

2 December 1863.

HAVING regard to the importance of bringing the New Zealand Settlements Bill into immediate operation, his Excellency the Governor is advised by his Ministers to assent to it without a clause suspending its operation.

The question raised in the Attorney General's Minute may be submitted to the Secretary of State; and the Governor, in so doing, is requested to urge the necessity of removing any doubt, if it exist, by Imperial Legislation.

2 December 1863.

(signed) *Fredk. Whitaker.*

## Despatch from the Secretary of State.

(No. 43.)

COPY of a DESPATCH from the Right Hon. *Edward Cardwell*, M.P.,  
to Governor Sir *George Grey*, K. C. B.

Right Hon. Edward  
Cardwell, M.P. to  
Governor Sir George  
Grey, K.C.B.,  
26 April 1864.

Sir,

Downing-street, 26 April 1864.

HER Majesty's Government have had under their consideration three Acts passed by the Legislature of New Zealand, in order to give effect to the views of your Advisers with reference to the Native War: viz.

No. 8. An Act to enable the Governor to establish Settlements for Colonization in the Northern Island of New Zealand.

No. 11. An Act for raising a Loan of 3,000,000 *l.* sterling for the Public Service of the Colony of New Zealand.

No. 12. An Act to appropriate certain sums to be raised under "the New Zealand Loan Act, 1863," (the last-mentioned Act), "and to provide for the repayment of certain portions thereof."

The most important of these Acts is that which stands first on the list.

It declares in effect that if, in the opinion of the Colonial Government, any considerable number of the members of any native community have been or shall hereafter be in rebellion, the Colonial Government may declare any district within which such community may hold property to be a district for the purpose of this Act, and may at any time thereafter confiscate within that district such lands as they may from time to time consider requisite for purposes of settle-

ment, whether those lands be the property of loyal or disloyal natives or of colonists.

Compensation is to be given according to the judgment of a court to persons (or I presume to tribes or communities) who are to be dispossessed without having been engaged in rebellion.

These courts are not only empowered to refuse, but are positively disabled from giving compensation to any person who shall have aided, assisted or comforted any rebel, or who (whether engaged in rebellion or not) shall have refused to give up his arms on being required to do so by proclamation.

The law is a permanent law applicable not only to the present conjuncture, but to any case in which the Colonial Government shall hereafter "be satisfied" that "any considerable number" of any native community in any part of the island shall have been in rebellion since the 1st of January 1863.

I learn from the memorandum which accompanies this Act that the power of the Assembly to pass it has been questioned in New Zealand; and I have thought it right to submit it, together with one which has also been passed by the Colonial Legislature for the suppression of the rebellion, to the Law Officers of the Crown for their opinion. That opinion I cannot receive in time to communicate with you by this mail; but I need not leave you in ignorance of the views which I entertain upon the policy embodied in this important law, or of the opinion of Her Majesty's Government in respect to the measures which ought to be taken as soon as decisive success in arms shall enable you to take them for the pacification and settlement of the Northern Island.

It appears that of the land thus about to be acquired, part is to be granted in lots varying from 50 to 400 acres, to the members of the Colonial Force recently raised, numbering, I understand, about 4,000 persons, and part is to be occupied by settlers who are to be introduced from Europe at the expense of the Colony, and are to hold their lands on a species of military tenure. It is supposed that the whole number of settlers, including the above-mentioned Colonial Force, will amount to 20,000.

\**Vide Papers presented by Command, 3d March 1864, page 54.*

A scheme of this kind was submitted to the Duke of Newcastle in your Despatch, No. 109,\* of the 29th of August last. Your ministry then proposed the introduction of 5,000 men, who were to hold fifty-acre farms upon military tenure, on land to be taken from the insurgent natives. Your Despatch implied that you approved the principle of this scheme, and you stated that you had sanctioned it to the extent of raising 2,000 men for active service.

The Duke of Newcastle adopted your views, but not without a very serious caution as to the danger and delicacy of applying them. He indicated the difficulty of preventing injustice, and the hazard of exciting the apprehension of the natives; he pointed out to the Local Government the responsibility which they would incur of providing against these evident risks; and he added that if the determination of your Government should have the effect of extending and intensifying the spirit of disaffection, and of thus enlarging the sphere or prolonging the period of military operations, these consequences would be viewed by Her Majesty's Government with the gravest concern and reprehension. I need scarcely observe that the Act now forwarded, taken in combination with the scheme proposed by your Government, exhibits a rapid expansion of the principles in which the Duke of Newcastle acquiesced with so much reserve.

The number of settlers, and consequently the immediate amount of confiscation is quadrupled, the compulsory power of acquiring land within a proclaimed district is, by the terms of the Act, applied alike to the loyal and the disloyal; the right of compensation is jealously limited, and is denied even to the most loyal native if he refuses to surrender his accustomed right of carrying arms, and these powers are not to be exercised exceptionally and to meet the present emergency, or by regularly constituted courts of justice, but are to be permanently embodied in the law of New Zealand; and to form a standing qualification of the treaty of Waitangi.

This being the nature of the law, I proceed to consider some very grave objections which may be urged against it. It renders permanently insecure the tenure of native property throughout the Islands, and is thus calculated to alarm our friends. It makes no difference between the leaders and contrivers of rebellion and their unwilling agents or allies, and is thus calculated to drive to despair those who are but half our enemies. The proceedings by which unlimited confiscation of property is to take place may be secret without argu-

ment



ment and without appeal; and the provision for compensation is as rigidly confined as the provision for punishment is flexible and unlimited.

I concur with your Advisers in thinking it impossible to apply to the Maories the maxims of English law in all their application to the details of civilized life. It is necessary to take into account the anomalous position which they occupy on the one hand as having acknowledged the Queen's sovereignty, and thus become liable to the obligations and entitled to the rights of British subjects, and on the other hand as having been allowed to retain their tribal organization and native usages, and as thus occupying, in a great measure, the position of independent communities. Viewed in the former capacity, they have, by levying war against the Queen, rendered themselves punishable by death and confiscation of property. These penalties, however, can only be inflicted according to the rules and under the protection of the criminal law. Viewed in the latter capacity, they would be at the mercy of their conquerors, to whom all public property would at once be transferred, private property remaining under the protection of international custom. Remembering the difficulty of determining what is private and what public property among the Maories, it seems to follow that in the interest of all parties the rights of the Maori insurgents must be dealt with by methods not described in any law book, but arising out of the exceptional circumstances of a most anomalous case.

It is therefore doubly necessary that those who administer in the name of the Queen a Government of irresistible power, should weigh dispassionately the claims which the insurgent Maories have on our consideration. In the absence of those legal safeguards which furnish the ordinary protection of the vanquished, the Imperial and Colonial Governments are bound so to adjust their proceedings to the laws of natural equity, and to the expectations which the Natives have been encouraged or allowed to form, as to impress the whole Maori race at this critical moment with the conviction that their European rulers are just, as well as severe, and are desirous of using the present opportunity, not for their oppression, but for the permanent well-being of all the inhabitants of New Zealand.

I recognize the necessity of inflicting a salutary penalty upon the authors of a war which was commenced by a treacherous and sanguinary outrage, and attended by so many circumstances justly entailing upon the guilty portion of the Natives measures of condign punishment. But I hold in the first place, that in the apportionment of this punishment those who have actively promoted or violently prosecuted this war should be carefully distinguished from those who, by circumstances, connexion, or sense of honour, or other natural temptation, have been unwillingly drawn into it, and still more pointedly from those who have on the whole adhered to the British cause. Even in the case of the most culpable tribes the punishment should be such as to inflict present humiliation and inconvenience rather than a recurring sense of injury, and should leave them with a conviction that their punishment, if severe, has not exceeded the limits of justice, and also with the assurance that for the future they have nothing to fear, but everything to hope from the Colonial Government. With this view, the punishment, however exemplary, should be inflicted once for all, and those who may have suffered from it should be led to feel that they may engage in the pursuits of industry on the lands which remain to them with the same security from disturbance which is enjoyed by their most favoured fellow subjects. And I should hold it as a great misfortune if the punishment were so allotted, as to destroy those germs of order and prosperity which have been so singularly developed in some of the Waikato tribes.

I do not dispute the right of the Colonial Government to obtain from the punishment of the insurgent Natives some aid in defraying the expenses of the war, or, in other words, of including in the contemplated cession or forfeiture lands to be disposed of by sale, as well as lands to be devoted to the purposes of military settlement. But these expenses have been mainly borne by this country, which has, therefore, a right to require that the cession or confiscation of territory shall not be carried further than may be consistent with the permanent pacification of the island, and the honour of the English name.

I must now invite your attention to some difficulties to which such a scheme would appear to be liable if carried into effect too suddenly, and on too great a scale.

I think it may be generally said that there is not much modern experience of a successful military settlement. In the present case it can scarcely be hoped that the 20,000 persons whom it is proposed to place upon land, will be entirely of the most desirable class; and notwithstanding the intention expressed by your Minister to provide for the introduction of married settlers, with their families, it is to be expected that there will be a great preponderance of males among them, a circumstance which is always productive of many causes of strife in such a state of society. If the settlements should be scattered at a distance from any natural centre, and in the heart of a disaffected country, they might prove unequal to their own defence, and their protection would be extremely expensive, while it would hardly be possible for the Colony to abandon the territories which it had occupied. Lastly, as the immigrants would be without special experience or capital, bound to a distasteful military tenure, and perhaps exposed to the hostility of the Natives, it is to be feared that they would have to undergo much hardship, and would be soon attracted from their farms by the high wages of Australia, or the still nearer gold fields of Otago.

I am strengthened in these apprehensions by observing that the difficulty of enforcing military service upon Colonists has pressed itself on the notice of yourself and the New Zealand Representatives. In your Despatch of the 24th July 1862,\* you express your fear that labourers and artisans could not be induced to remain in the Colony if liable to militia service. And a somewhat similar anticipation is expressed in the Memorial addressed to Her Majesty by the Houses of Representatives, and mentioned in your Despatch of the 6th October 1862.†

\* *Vide* H. C.  
No. 467 of 1863,  
page 25.

† *Vide* same Paper,  
page 34.

This is a matter which more properly belongs to your own Advisers on the spot, responsible as they now are for the conduct of Native Affairs, and I do not urge these objections for the purpose of discouraging, within moderate and practicable limits, a scheme from which you expect the best results, but only that, in order to insure success, those limits may be carefully considered in the first instance.

I shall have occasion to recur to the subject of lands taken for sale in considering the proposal for a guaranteed loan.

Considering that the defence of the Colony is at present effected by an Imperial force, I should perhaps have been justified in recommending the disallowance of an Act couched in such sweeping terms, capable therefore of great abuse, unless its practical operation were restrained by a strong and resolute hand, and calculated, if abused, to frustrate its own objects, and to prolong, instead of terminate war. But not having received from you any expression of your disapproval, and being most unwilling to take any course which would weaken your hands in the moment of your military success, Her Majesty's Government have decided that the Act shall for the present remain in operation.

They are led to this conclusion not merely by a desire to sustain the authority of the local Government, but also in no small degree by observing that no confiscation can take effect without your personal concurrence, and by the reliance which they so justly place on your sagacity, firmness, and experience, and your long recognized regard as well for the interests of the Colonies as for the fair rights and expectation of the native race.

I have therefore to convey to you the following instructions as embodying the decisions of Her Majesty's Government.

It is in their opinion very much to be desired that the proposed appropriation of land should take the form of a cession imposed by yourself and General Cameron upon the conquered tribes, and made by them to the Representative of the Queen, as a condition on which Her Majesty's clemency is extended to them. The advantages of such a settlement (in which, however, I need hardly say the position of the Maories as defeated rebels should be unequivocally exhibited), are too manifest to need explanation.

But if this should be found impossible, you are at liberty, subject to the following reservations, to give your concurrence in bringing the law into operation.

A measure should be at once submitted to the Legislature to limit the duration of the Act to a definite period, not exceeding, I think, two years from its original enactment,—a period long enough to allow for the necessary inquiries  
respecting



respecting the extent, situation and justice of the forfeiture, yet short enough to relieve the conquered party from any protracted suspense, and to assure those who have adhered to us that there is no intention of suspending in their case the ordinary principles of law.

The aggregate extent of the forfeiture should be at once made known, and their exact position, as soon as possible.

A commission should be constituted for the special purpose of inquiring what lands may properly be forfeited. The members of this commission should not be removable with the Ministry, and should be so chosen as to guarantee a fair and careful consideration of the matters brought before them.

It should be clearly understood that your own concurrence in any forfeiture is not to be considered as a mere ministerial act, but that it will be withheld unless you are personally satisfied that the confiscation is just and moderate.

And here I must observe, that if in the settlement of the forfeited districts all the land which is capable of remunerative cultivation should be assigned to Colonists, and the original owner, the Maori, be driven back to the forest and morass, the sense of injustice, combined with the pressure of want, would convert the native population into a desperate banditti, taking refuge in the solitudes of the interior from the pursuit of the police or military, and descending, when opportunity might occur, into the cultivated plain to destroy the peaceful fruits of industry. I rely on your wisdom and justice to avert a danger so serious in its bearing on the interests of the European not less than of the native race.

Turning to that part of the law which authorises the dispossession of persons who have not been involved in the recent rebellion, I have to observe, that although Her Majesty's Government admit with regret that the tribal nature of the native tenure will sometimes render it unavoidable that innocent persons should be deprived of their lands, they consider that land should not be appropriated against the will of the owners merely because it is in the same district with rebel property, and may conveniently be used for purposes of settlement, but only in cases where loyal or neutral Natives are unfortunate enough to be joint owners with persons concerned in the rebellion, or because it is absolutely required for some purpose of defence or communication, or on some similar ground of necessity. But every such case of supposed necessity should be examined with the greatest care, and admitted with the greatest caution and reserve.

The compensation to be given to persons thus dispossessed is properly by the Act itself made the subject of inquiry in an open court; but the 5th section of the Act ought to be so modified that the powers of the court may not be limited in any manner which would prevent its doing complete justice to the claims of every innocent person, or extending reasonable consideration to those whose guilt was of a less heinous character, a class which, in the varying temper of the New Zealand tribes, is probably large. I trust that, in accepting any cession or authorizing confirmation of any forfeiture of land, you will retain in your own hands ample power of doing substantial justice to every class of claimant for restitution or compensation.

Finally, when you have taken all the powers, and received all the cessions which you think necessary for the satisfactory pacification of the Islands, you will do well to accompany these measures of justice and severity by the announcement of a general amnesty, from which those only should be excepted who have been concerned in the murders of unoffending settlers, or other like offences of a heinous and strictly exceptional character. In order to mark as much as possible the discriminating character of British justice, the exception from the amnesty should not be couched in general terms, but should recite one by one the specific outrages which remain unpardoned.

Subject to these cautions and conditions, and in full confidence that you will act on the general principles which I have before laid down (and in which I anticipate your cordial concurrence), Her Majesty's Government are prepared to leave in your hands the power with which you have been entrusted by the Legislature of the Colony. In the Despatch in which you have transmitted to me these measures you have expressed, in terms with which I entirely agree, your own appreciation of a generous policy, and of its beneficial consequences when adopted on former occasions in New Zealand. You give at the same time your reasons, the justice of which I am not prepared to dispute, for deter-

mining that the circumstances of the present case justly and necessarily call for measures of severity, such as have not been adopted at the close of former wars; but you accompany these reasons with the expression of your opinion that this severity ought not to be carried too far. I recognise also with satisfaction the statement of your Ministers on the occasion of their first submitting to you their views upon forfeiture and military settlement. They said they felt assured, that as this would be the first, so it would also be the last, occasion on which any aboriginal inhabitant of New Zealand would be deprived of land against his will.

I trust that on their part there will be no unwillingness to co-operate with you in confining the measures of severity, to which it may be necessary to have recourse, within those just and moderate limits to which I have referred.

I now turn to the Act which authorises a loan of 3,000,000 £., for which it is desired to obtain the guarantee of the Imperial Parliament. I observe that of the total sum which it is proposed to raise, 1,000,000 £. is allotted to the expenses of the war, 200,000 £. to the repayment of a debt to the Imperial Government, which has probably doubled since that time, 200,000 £. to the compensation of the Taranaki settlers, and the rest, in the main, to the settlement of the country. The bulk of it appears to be appropriated to the plan of military settlement, to which I have already adverted.

Her Majesty's Government recognise as exceptional the expenses occasioned to the Colony by the native war; and they are not unwilling to entertain the question of extending the guarantee of 500,000 £., which they have already conditionally promised to submit to Parliament, to such a further sum as will cover the increased debt of the Colony to the Imperial Exchequer, and so much of these military expenses, including 200,000 £. for compensation to the Taranaki settlers, as may properly be defrayed, not out of the current revenue of the Colony, but by loan.

But the same reasons do not in their judgment apply to the settlement of the country, which, whether successful or not as a measure of defence, is mainly a matter of colonial interest, inasmuch as its success is calculated to add to the wealth and population of the Colony. To a purpose of this kind the Imperial credit is not generally applicable; and Her Majesty's Government do not consider that the land which it is proposed to acquire under the Settlement Act is of any such definite value as materially to add to the security on which the guarantee of Parliament could be given. The omission of this sum will reduce the whole loan within much narrower limits; and I will consider and write you on a future occasion how far the revenue of New Zealand, pledged by the terms of the Act, and the considerations to which I have referred, may justify Her Majesty's Government in increasing the proposal they have already promised to make to Parliament. Under any circumstances, the sum will doubtless appear to Parliament larger than it has hitherto been usual to guarantee to a Colony of the size and resources of New Zealand, and could only be proposed by the Government with any prospect of success in connexion with the peculiar circumstances of the present loan, and in the well-founded hope of a final pacification and settlement.

I must now call your attention to the importance of reducing as rapidly as possible, after the conclusion of the troubles, the large force now maintained in New Zealand, and I confidently expect to receive from you such information as may enable me to communicate to the Secretary of State for War the possibility of a great reduction in the number of men, and, consequently in the estimate for the year 1865-6.

I must also remind you, that for the great expense which this country has already incurred in putting down the present insurrection, the Home Government only calls upon the Colony for that almost nominal contribution which it has already engaged to pay. The arrangement at present in force respecting the amount of the military contribution, and the proportion of it which is to be returned to the Colony, to be employed for the benefit of the Natives, will terminate with the close of the present year. In consenting to guarantee a large loan for the Colony, the Imperial Government will feel it necessary to require that, if at the close of that period the Colony should continue to require assistance of the Mother Country, a much more adequate contribution shall be made to the Imperial Exchequer: I am, however, unable at this moment to convey to you any definite decision on this part of the subject.



subject. It is under the consideration of the Government, and I shall take an early opportunity of addressing you again upon it.

I conclude by expressing an earnest hope that the operation in which General Cameron has been engaged may already have terminated the war, and shall rejoice when I am able to congratulate you on having succeeded, by the wisdom of your own measures, and those of your Government, by the skill of that distinguished Commander, and by the valour of the Queen's Troops and Seamen, and of the Colonial Forces engaged in the conflict, in restoring the blessings of order and good government to the country entrusted to your care.

Governor Sir Geo. Grey, K.C.B.

I have, &c.  
(signed) *Edward Cardwell.*

COPY of CORRESPONDENCE between Governor  
*George Grey* and the Colonial Office relating  
the Policy of CONFISCATION which has  
adopted by the NEW ZEALAND LEGISLATURE.

(*Mr. Arthur Mills.*)

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*Ordered, by The House of Commons, to be Printed,*  
*23 May 1864.*

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RELATIVE TO



## THE AFFAIRS OF NEW ZEALAND.

*(In continuation of Papers presented in July 1863.)*

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Presented to both Houses of Parliament by Command of Her Majesty.  
3rd March 1864.

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# SCHEDULE.

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RELATIVE TO

## THE AFFAIRS OF NEW ZEALAND.

## Despatches from the Governor.

No. 1.

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No. 1.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 39.)

Taranaki, New Zealand, April 24, 1863.

(Received July 16, 1863.)

(Answered by No. 78, July 25, 1863, and No. 88, August 25, 1863, pages 98 and 100.)

MY LORD DUKE,

I AM sorry to be compelled to trouble you once more on the subject of the land at Waitara. Your Grace was originally informed, January 25, 1860,\* that the title of Te Teira and the other proprietors of this land had been proved and extinguished, and that you were only troubled with a reference to this subject as a matter of information, and that it was trusted that it might not be necessary to allude to it again. Your Grace was subsequently informed, February 27, 1860,† that there was no expectation of any serious difficulty arising from this affair, and that there was little doubt the natives would acquiesce in the course the Government had adopted. After, however, twelve months of a disastrous war, such difficulties had arisen that the matter was left exactly as it stood before any disturbance had arisen; the Government having then notified "that the investigation of the title and survey of the land at Waitara was to be continued and completed."

\* Vide Papers presented March 1861 (New Zealand Disturbances), page 4.

† Vide same Papers, page 7

2. It is now my duty to report to your Grace that since I have been in New Zealand I have made every effort in my power, and have exhausted every argument and influence I could bring to bear upon the native race, to induce them to acquiesce in this decision of the Government, but I have altogether failed to shake their dogged determination upon this subject. They say generally that the title to the land is quite clear and well known, and that what they regard themselves entitled to is an open inquiry into the whole subject, in order that it may be ascertained who is to blame for the evils which have befallen themselves and the whole country.

3. A great part of the native race may be stated to be at the present moment in arms, in a state of chronic discontent, watching our proceedings in reference to this Waitara question. Large numbers of them have renounced the Queen's authority, and many of them declare openly they have been so wronged that they will never return under it. Other most influential men state that they will not aid the Government in any war that may arise out of this Waitara question; the great majority of them declare that if a war arises from this cause, they will rise and make a simultaneous attack upon the several European settlements in the northern island.

4. The reasons they urge for such proceedings are, that they did not take up arms to prohibit the alienation of territory to the Crown, or to maintain any seigniorial rights, but that the people of the Waitara, without having been guilty of any crime, were driven at the point of the sword from villages, house, and homes which they had occupied for years. That a great crime has been committed against them. That through all future generations it will be told that their lands have been forcibly and unlawfully taken from them by officers appointed by the Queen of England. That they have striven to find a way in which their lands may be restored to them, and reparation made; that they have sought this in vain from the Queen, and find that her laws do not rectify wrongs. They also

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affirm that the most important statements contained in the manifesto issued by the Government in February 1860, setting forth the cause of the war against the native race, are not correct, although promulgated with the authority they were, and circulated throughout Her Majesty's possessions without the possibility of the natives replying to it, or of their reply being heard, whereby a great prejudice has been created against them. For all these reasons they argue, that they have no hope of obtaining justice; that their eventual extermination is determined on; that all that is left to them is to die like men, after a long and desperate struggle, and that the sooner they can bring that on before our preparations are farther matured, and our numbers increased, the greater is their chance of success.

5. It cannot be said that there are no grounds, however unreasonable these may be, for these suspicions being excited in their minds, for other persons have entertained them, and this is known to the natives. My predecessor reported to your Grace, in a Despatch which was made public, and is often quoted, "That the Europeans covet the lands of the natives, and were determined to enter in and possess them, 'recte si possint, si non quocunque modo,' that this determination became daily more apparent, and that neither law nor equity will prevent the occupation of native lands by Europeans, when the latter are strong enough to defy both the native owners and the Government."

6. My belief is that the natives have made up their minds to act on the policy I have above stated, and that they will do so, unless the greatest care is taken on our part.

7. Your Grace must be well aware that this Waitara question was from the first made a party question, regarding which the most violent controversy raged, and men's passions were much excited. Like all other questions between races in a state of hostility it was by many taken up as a question of race, and it will, I fear, even now be difficult for any European to allege that the natives are in the main right in their answers to the allegations made against them regarding the Waitara purchase, without raising a feeling of violent hostility in the minds of many people. Leaving apart, however, those far higher considerations which influence your Grace, I know that we are both to stand at the bar of history, when our conduct to the native race of this country will be judged by impartial historians, and that it is our duty to set a good example for all time in such a most important affair. I ought, therefore, to advise your Grace, without thinking of the personal consequences which may result to myself, that my settled conviction is, that the natives are in the main right in their allegations regarding the Waitara purchase, and that it ought not to be gone on with. I have given the same opinion to my responsible advisers, as your Grace will find from one of the Enclosures to this Despatch. I hope they may adopt my opinion and act speedily upon it. I shall, probably before the mail closes, be able to report what has been done upon this subject.

8. I shall not encumber my Despatch with the grounds of the opinion I have formed on the Waitara question; these will be found in the Enclosures sent herewith. From these your Grace can judge whether my opinion is a just one. But this much I must add, that although I have been eighteen months in the Colony, the most important facts connected with this Waitara purchase were unknown to me until a few days since, and must have remained so had it not been from personal inquiries made by myself and the Native Minister on the spot, that from accident, oversight, or some other cause these facts have not been made public or reported to your Grace, and that I have seen nothing to make me think that my predecessor knew them.

9. On grounds of public policy the following questions connected with this purchase of land at the Waitara should be considered with as little delay as possible.

It does not involve any new acquisition of territory for Her Majesty or the empire.

It is simply a purchase of land, houses, and gardens, the private property of some of the Queen's subjects, which are to pass from them in order that they may be given as private property to others of Her Majesty's subjects.

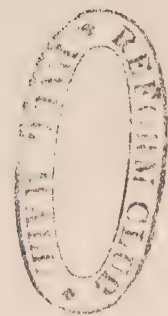
To hold possession of this private property Great Britain maintains and has maintained for three years at a considerable cost two separate detachments of troops, one on it, one near it, in addition to a force at New Plymouth as a support for these detachments, and none of the Queen's subjects but a few natives derive any benefit from the land.

Her Majesty has at present no legal title to the land. It seems more than doubtful if such a title can ever be given to her, and it has never been paid for.

The original occupants of the land are likely soon to return there and quietly to occupy it. If they do we must either turn them off by force or leave them in possession, they having taken re-possession of the land against the will of the Government. If the first of these events occurs, a general war will probably take place; if the second of them occurs, the Government will be placed in a position which will weaken its authority and









influence. If neither of these events take place, from the natives being withheld from occupying the land by those who are well disposed to the Government, then we must continue to hold possession of it by military force, and those of the native race who are now hostile to us will all remain so, watching with arms in their hands our course in reference to this Waitara question.

If we on our part attempt to put those Europeans on it who will claim it in virtue of rights of selection of land which they hold, my opinion is that the natives will instantly try to turn them off and bring on a general war, to be commenced at a point which, from its physical features and that of the country beyond it, is so ill-suited for such a struggle, that I believe that military operations in it, however skilfully conducted, and however prolonged, can result in no decisive success. I feel sure that Lieutenant-General Cameron, who is returning to England, will confirm my opinion in this respect.

I have, &c.

(Signed) G. GREY,

His Grace the Duke of Newcastle, K.G., Governor,  
&c. &c. &c.

Enclosure 1 not printed.

Enclosure 1 not printed.

Enclosure 2 in No. 1.

Encl. 2 in No. 1.

SIR,

New Plymouth, April 10, 1863.

IN obedience to your Excellency's instructions I have made inquiry at the Survey Office as to whether, at the time that the Government took possession of the block of land called Te Pekapeka, which had been claimed by Te Teira and sold by him to the Government, there were any cultivations or any pas belonging to the chief, William King, standing on that block, and if so, if any such were destroyed by the troops, friendly natives, or others, on the occasion of the Government taking possession of that block.

I beg to report for your Excellency's information, that I have ascertained from Mr. O. Carrington (who for 22 years has been surveyor in this province) that two pas situated on the block and called Te Kuikui, which was William King's residence, and Wherohia, the former of which was occupied by about 200 and the latter by about 35 natives of William King's followers, were burnt by natives in the Queen's pay, assisted by marines and sailors, at the time of the Government taking forcible possession of the block. The extensive cultivations around these pas were likewise destroyed by the troops, friendly natives and others, and an inland cultivation belonging to Tamati Teito and other natives, some of whom were friendly, and which cultivation was situated at a kainga or settlement on the Waiongona river, called Poata, was also destroyed, together with the native houses standing near it, immediately upon which William King's natives retaliated by burning an exactly corresponding number of settlers' houses, no settlers' houses having been previously burnt or destroyed by them.

The position of the pas Te Kuikui, Wherohia, &c., will be seen by the accompanying plan of the block sold by Te Teira.

I have, &c.

His Excellency Sir George Grey, K.C.B.,  
&c. &c. &c.

(Signed) HENRY STRATTON BATES,  
Lieut. 65th Regt. and Native Interpreter  
to the Forces.

P.S.—There was also a pa called Te Hurirapa, which stood on the block between the two pas above mentioned, viz., Te Kuikui and Wherohia; this contained 30 or 40 natives. This pa was not destroyed but was occupied during the war by the friendly natives, and is still occupied by Te Teira and his adherents.

H. S. B.

I certify that the above statements are correct.

(Signed) OCTAVIUS CARRINGTON.

Enclosure 3 in No. 1.

Encl. 3 in No. 1.

FOR HIS EXCELLENCY.

THE Native Minister has felt it his duty to make immediate inquiries on the subject of the statements contained in the report addressed to his Excellency by Lieut. Bates on the 10th instant.

When the Governor was pleased to read that report to the Native Minister on Friday evening, Mr. Bell was under the impression that the facts therein stated rested on the authority of Lieut. Bates himself, but on reading it again with the Colonial Secretary the same night, he saw that they rested on the authority of Mr. O. Carrington.

There were three principal facts stated in the report, if the Native Minister remembers it rightly.

1st. That a number of William King's people, exceeding 200, were in actual occupation of a part of the block sold by Te Teira at the time of possession being taken by the troops, and were forcibly driven from the land.

2nd. That there were extensive cultivations belonging to William King and his people upon the block at the time of possession being taken, which cultivations were destroyed.

3rd. That paha belonging to William King, situate upon the block by the river side, were set on fire and destroyed at the time of taking possession.

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These statements were so directly contrary to what the Native Minister had always believed, and to what Governor Browne and his then Ministers had asserted, that the Native Minister was amazed at their being now advanced in the report of Lieut. Bates as facts, and he felt that his opinion as to the Waitara case must be abandoned.

The Native Minister now respectfully acquaints the Governor that the testimony of Mr. Parris, the Assistant Native Secretary here, is still in contradiction to the statements of Mr. Carrington. Mr. Parris declares, in reference to the three points above mentioned,—

1st. That there were no natives belonging to William King's people in occupation of any part of the block at the time of possession being taken, they having abandoned the Waitara and gone inland to Mataitawa some time before.

2nd. That the whole extent of cultivation, including the cultivations of Teira and his party, did not exceed 10 acres; that William King himself had no cultivations excepting small patches immediately around his pah, from which small patches he had removed the crop when he abandoned the place, and that instead of the cultivations being destroyed by the troops, they were valued, and compensation paid to Teira. The main cultivations of William King and his people were on the piece excluded from the block, and on the north side of the river.

3rd. That no paha were destroyed at the time possession was taken, nor until the first war pah had been erected on the block and a trench dug by the insurgents across the road from New Plymouth, immediately upon which Colonel Gold gave orders for the destruction of the Werohia pah, but William King's pah at the Kuikui was not destroyed for some days afterwards.

The Native Minister thinks it right to communicate at once to his Excellency what he has heard from Mr. Parris on the above points, but he has instructed that officer to furnish him with the precise dates and further details, for which a reference to original documents in New Plymouth is necessary.

Camp, Tataraimaka, April 11, 1863.

(Signed) F. D. BELL.

Encl. 4 in No. 1.

Enclosure 4 in No. 1.

#### MINUTE.

THE Governor has just received the Native Minister's memorandum regarding the Waitara.

He thinks the questions raised have been misunderstood. The questions were as follows:—

That William King and more than 200 of his people had valuable houses and other buildings, and cultivations upon the land agreed to be bought by the Government from Taylor, and that they had been in occupation of them for about 12 years.

That many of them asserted a claim to some portions of this land. That the Government nevertheless agreed to purchase it from Te Teira, and publicly notified to the natives as follows:—

"Te Teira's title has been carefully investigated and found to be good. It is not disputed by any one. The Governor cannot, therefore, allow William King to interfere with Te Teira in the sale of his own land.

"Payment for the land has been received by Te Teira. It now belongs to the Queen."

Immediately after the issue of this notice at New Plymouth the Government proceeded to take possession of the land.

Assuming these facts to be true, as the Governor still does, for Mr. Parris distinctly admitted them to him, and they are not now denied,—the farther question arose:—

Even if Taylor's title were good, and there was some flaw in the title of King's people (which, however, is still generally denied by the natives) was it a wise or becoming thing, and a proper subject to risk a war upon, to allow Her Majesty to avail herself of a flaw in the title to land of some of her subjects, to purchase from another of her subjects the lands they claimed, although they had occupied them in peace for 12 years, had built houses on them, and had cultivations on them? Ought Her Majesty to make such a purchase, in which she gained for an inconsiderable sum property worth much more, and acquired against their will and consent the houses of more than 200 of her subjects, which they had occupied in peace and happiness for years, and who were not even accused of any crime against Her Majesty or her laws, but some of whom had, on the contrary, risked their lives in rendering her services in former wars.

The question upon which the Governor has now to decide, is:—What course should be pursued? It arises from the alleged facts which have been detailed above.

All the other events detailed in the Native Minister's memorandum must almost necessarily have followed, when possession was taken of land so purchased.

New Plymouth, April 12, 1863.

(Signed) G. GREY.

Encl. 5 in No. 1.

Enclosure 5 in No. 1.

#### FOR HIS EXCELLENCY.

THE Native Minister begs leave to lay before the Governor some information he received yesterday from Te Teira and Ihaha.

Those chiefs had come in from Waitara merely to see Mr. Parris about a horse taken during the war, but as Mr. Parris was on the point of starting for Tataraimaka, they came to see Mr. Bell instead. After the matter of the horse had been disposed of, Teira inquired the particulars of Tamati Teito's declaration that he would return to the disputed land at Waitara. Presently the conversation turned to the time when Mr. Bell had met the Ngatiawa migration at Waitotara, near Whanganui, on their way up from the south, and to the discussions that then took place as to the location of the tribe on the north bank of the Waitara in accordance with the agreement between Mr. McLean and William King at Waikanae before the migration left.



The Native Minister asked Teira to tell him the story of the permission given by his father Tamati Teito to William King to build his pa at the mouth of the river. Teira gave a full account of this transaction. He said that William King had quite purposed to live on the north bank, but that the whole tribe soon got so alarmed at the prospect of a raid from Ngatimaniapoto, that the question was proposed for discussion at general meetings that they should all live together on the south bank for mutual protection. This being agreed to, the site of the pas had to be determined; and although it was admitted that the position selected at the mouth of the river belonged to Teira and his immediate family, it was ultimately agreed by all to build the pas there as the safest position for the tribe. In accordance with this, the pas Hurirapa, Wherohia, and Kuikui were built, and although separate in construction, they were close enough to be taken for one (hui katoa he pa kotahi) for defensive purposes.

The Native Minister hereupon asked Teira how it was that after a general agreement had been come to, that this should be the location of them all, he had offered it for sale. Teira commenced his reply by saying that when they came up they were all living in peace and happiness together, but that the incessant feuds which had existed for five years since Rawiri's death in 1854 had cut up the tribe and darkened the whole land. But he said that he never had any intention to include the sites of the pas when he made the original offer to Governor Gore Browne at the meeting in March 1859; and he then went into a detailed account of William King's refusal even to listen to his explanations about the land, and of all the circumstances which preceded Governor Gore Browne's decision to make the survey of the block. Most of the particulars he mentioned were familiar to the Native Minister, and have been made public in the Parliamentary papers; but a few were entirely new to him, and so far as Mr. Bell recollects had never been mentioned before. One was, that the reason why he wished the old native allotments belonging to each man to be marked out in the block (kia piketitia nga taupa) was that there were other claims besides his. Another was, that there was to be a native reserve of 200 acres within the block, and that although William King's pas had been destroyed when the war broke out, he had never intended to give up his own pa Hurirapa. He then proceeded to complain that nothing had been settled about this reserve, and that the balance of the purchase money, 500*l.*, had not been paid, and he asked how this was, and whether the money would be given, saying that it was not just an investigation should take place without his being first paid, lest a man should be judged without any offence fairly charged against him (kei whakawakia hara kore te tangata).

The Native Minister told Teira that however clearly his title should be proved on the investigation, he thought it would be said that after a general agreement among the tribe so many years before, whereby the sites of these pas had been selected for the purposes of general defence, and not merely as an accommodation to William King, and actually occupied, notwithstanding the native feuds up to the time of the land being offered for sale, those sites should not have been included in the sale without the real circumstances being told to the Governor; and that if he never intended to offer them to the Governor, he should in the first place have expressly excluded them from his offer, and afterwards have prevented them being included in the survey. Moreover, that the matter of the reserve ought to have been cleared up and finally settled before he signed the deed, for there was nothing in the deed to show that any reserve was to be made while it had been the almost invariable practice to name reserves in any deeds of sale. Teira and Ihaia, after a few moments' silence, said, "If we could answer that, we would do so; as it is, we are silent."

Upon the return of Mr. Parris from the camp, Mr. Bell communicated to him and the Colonial Secretary what had taken place. Mr. Parris stated that nothing had been said by Te Teira at the time of the original offer to show his intention of excepting the pas from it, and that he had never heard of an intended reserve of 200 acres; but that the Government had certainly promised that reserves should be made, that the object of the Government was to form a township at the mouth of the river, and that they contemplated making an arrangement by which certain portions of water frontage should be secured to the natives within the town (besides other reserves outside), whereby the sites of the pas would have been exchanged for town allotments sure to rise rapidly in value; and that all this would have been done if hostilities had not broken out, but that the war had prevented any plan for the benefit of the natives being carried out.

The Native Minister thinks it right in making this communication to the Governor to state that he had refrained until yesterday from questioning Te Teira on any matter connected with the sale of Waitara. He felt that pending the investigation which the Governor had declared should take place, he ought not after the part which he had himself taken in the assembly to seek, without his Excellency's express commands, information in anticipation of the inquiry from among the natives who were parties to the sale. In this instance an accidental turn in the conversation with Teira led to a disclosure of alleged facts which it was obviously essential to Her Majesty's service should at once be brought before the Governor.

Taranaki, April 17, 1863.

(Signed) F. D. BELL.

#### Enclosure 6 in No. 1.

Encl. 6 in No. 1.

#### MEMORANDUM.

THE Governor has carefully considered a statement laid before him by the Native Minister showing the arrangements between the natives under which the south bank of the Waitara had been occupied by the Ngatiawa tribe. The admissions by Taylor that there were other claims besides his own in the block. That he had never intended to sell the sites of the villages which the natives had for 12 years occupied, and that it had been agreed that there was to be a native reserve of 200 acres within the block of land purported to be sold to the Government.

The Governor has ascertained from other sources that there is great reason to believe that it had been arranged that a block of land was to be reserved round the site of the villages on the Waitara, that therefore Taylor's complaint that nothing has yet been settled about this reserve is a complaint which should immediately be attended to, especially as it now appears that he has never yet been paid for the

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land. There is also nothing to show that the Government in its anxiety to form a township at the mouth of the Waitara was justified, or could legally, without the wishes of the occupants of the native villages being consulted, determine to change such a reserve into town sections with water frontage.

The Governor would recommend under this altered view of the case, that the Government should without delay have a reserve of 200 acres made round the native villages, and publicly and clearly renounce all right and title, direct or indirect, to such land.

He would be the more inclined to adopt this course because the new facts now disclosed, since he wrote his memorandum of the 12th inst., render it more difficult than ever, in his opinion, for the Government to attempt to insist that the purchase of the block of the land at the Waitara was a proper purchase to be maintained at all risk.

New Plymouth, April 19, 1863.

(Signed) G. GREY.

Encl. 7 in No. 1.

Enclosure 7 in No. 1.

FOR HIS EXCELLENCY.

MINISTERS beg leave to submit the following observations upon the Governor's minutes of the 12th and 19th instant.

Into the broad question raised by his Excellency in the minute of the 12th instant, whether the Government were justified originally in making the Waitara purchase from Te Teira, and in taking military possession of the land, Ministers do not think it incumbent on them to enter. That is one of the issues which would have to be determined by the investigation which it has been decided should take place into the whole subject. Another issue would be whether William King, as one of Her Majesty's subjects, was justified in resorting to arms to prevent the survey of land in dispute, or to maintain his pretension to prohibit any further alienation of territory to the crown.

Nevertheless, Ministers would not consider it just to omit some remark upon that part of the Governor's minute which refers to the natives having occupied the land in peace and happiness for years, and not being accused of any crime against the Queen or her laws. No one who lived in New Zealand at the time can forget that for more than five years before the purchase from Te Teira the natives had been waging an incessant warfare among themselves, destroying each other's pas, ravaging each other's cultivations, and endangering the lives of the settlers, defying interference by the Government, and rejecting even the personal entreaties of the Bishop of New Zealand that they should cease the shedding of blood, and living in a state of hostility and misery alike fatal to themselves and disastrous to the English settlement.

But the statements made by Te Teira and Ihaia to the Native Minister and detailed in his minute to the Governor, of the 17th instant, show apparently beyond dispute, that, the pas Hurirapa, Werohia, and Kuhikuhi, had been built upon a site within the block offered for sale by Te Teira, selected for that purpose at the time of the Ngatiawa migration from the south, and occupied by general agreement by a large number of these natives as the safest position for the tribe. That these persons were resident in the pas at the time of the sale; and that there had been an agreement of some kind as to a reserve, the extent and position of which were never settled, but which Teira at the time of the offer appears to have expected would include the pas in question.

These facts appear to have been overlooked throughout the discussions on the Waitara purchase, in consequence of the raising of the larger question as to William King's alleged seigniorial right, and the overriding tribal right to the whole Ngatiawa territory. It is difficult to conceive that if these facts had come clearly out at the time of the sale, the practice universally followed, as far as Ministers are aware, in all purchases of land in New Zealand from the foundation of the colony, viz. that of reserving the pas of resident natives, together with their cultivations and burial places, would not have been adhered to in this particular instance.

Ministers therefore concur with the Governor in the opinion that the question of the reserve should be immediately settled; and that accordingly a block of 200 acres around the native villages, as proposed by his Excellency, should at once be set apart by proclamation, as such reserve, to be held either by the tribe in common or under separate grants as they should themselves prefer, the residue of the block sold by Te Teira being left subject to the investigation as before.

April 20, 1863.

(Signed) ALFRED DOMETT.

Encl. 8 in No. 1.

Enclosure 8 in No. 1.

MINUTE.

THE Governor begs to express his thanks to Ministers for the frankness and readiness with which they have given him the advice for which he sought in reference to the proposed reserve out of the block of land at the Waitara, called Teira's block. But the Governor ought to offer some remarks upon the Ministerial minute in which they give him that advice, in so far as it relates to the acts and proceedings of the natives, and he ought at the same time to state to Ministers the conclusion at which he has arrived in reference to the purchase at Waitara, still under negotiation.

2. Ministers are aware that the Governor is of opinion (as his predecessor believed was the case in reference to himself) that a pressure is being in many ways made on him, and is still likely to be made on him by some of the European inhabitants of Taranaki, to induce him to enter into a war with the native race, or to take land from them, with the avowed object of promoting the permanent security of the province. The Governor thinks (perhaps wrongly) that a justification for these views would be afforded by the Ministerial statement, if the disasters brought upon this English province, and the danger to the lives of the settlers alluded to in it had resulted alone from the proceedings of the natives before the war.

3. Moreover the Government at the present moment stands between two races excited by recent hostilities, the inferior one of which is not, except to an inappreciable extent, represented in the



General Assembly, and has no effective means whatever of putting its statements before the Queen or the public. It would therefore seem just, alike to Her Majesty's advisers, who will have to decide on the wisdom and justice of the course pursued in the present crisis, and to the General Assembly of New Zealand, to put forward the native answers to the view of the case (which is that of only one party to the question) contained in the Ministerial minute of the 20th instant.

4. It would also seem right that the Local Government, which is to act at once in the existing most difficult state of affairs, should, before determining upon its line of action, carefully consider all sides of the question; and then, in Her Majesty's name, fearless of all parties, earnestly and faithfully do that which impartial men removed from this scene of national, and in some cases strong party feeling, will admit was that which wise and dispassionate rulers of a country should have done, and which the future historian may admit was worthy of the greatness and generosity of England.

5. The Governor will therefore proceed to state the native answers to the statements made in the Ministerial minute, which statements have frequently before been made, and have in various forms been discussed at meetings with the natives.

6. The natives then allege, in reference to their disputes before the war, that these arose from a native assessor of the Crown, whilst trying to meet the wishes of the Government in obtaining land for the Europeans, having, with some of his people, been treacherously slain by some natives. They go on to state that, in this and similar instances, especially of land disputes, they in vain besought the Government to take some steps for establishing law and order in the country, and for affording protection to life and property amongst the native race. That their appeals were treated with indifference. That at last many of them arrived at the settled conviction that the Government intended to let them destroy one another, either to get rid of them or to obtain their lands. That it was their anxiety to save themselves from such calamities that at length induced many of their leading men, as a last resource, to join in the attempt to set up a national government which might afford them that protection from the violent of their own race which they had in vain sought from the Queen's Government; and that if the settlers suffered together with the natives from such a state of anarchy as Ministers describe, that the settlers as well as the natives should refer their miseries to the true cause, the apathy and indifference, or the weakness of the Government.

7. If these allegations are true, it appears to follow that the proper preventive for the recurrence of such scenes is to take judicious steps for the gradual establishment of law and order throughout the Colony, and that neither justice nor policy will at present permit us either to enter upon a war, or violently to take their properties from the natives with the view of protecting the European settlers from the serious troubles and dangers which they formerly experienced, which were assuredly very great, and such as should never be allowed to recur if the Government can by any means in its power prevent them. As there are at the present time many violent and exceedingly ill-disposed young men among the native race whose pride and passions have been excited by the recent war, and who will most unwillingly be brought to submit to any restraint upon their inclinations, it will be necessary for some time to retain in this district a strong military and police force.

8. It is further to be observed that the natives declare that they did not take up arms to prohibit the alienation of territory to the Crown, or to maintain any seigniorial rights. They rest their justification for entering into the general conspiracy, which was undoubtedly formed throughout the island, by declaring that it was a struggle for house and home. Especially on the east coast the natives have stated this to the Governor, adding that various similar incomplete purchases of land had been made in their district from natives who had only a qualified claim to such lands, and that the almost universal belief of the native race was, that a new system of taking lands was to be established, and that if they did not succeed by a general and combined resistance in preventing their houses and lands being taken by the Government from the natives of the Waitara, they would have been each in their turn despoiled in detail of their lands.

9. They refer to the manifesto issued by the Government in February 1860, declaring the causes of the war against the native race, and they affirm that the most important statements contained in that manifesto are not correct, although promulgated with the authority it was, and circulated throughout Her Majesty's possessions without the possibility of their replying to it, or of their reply being heard, whereby a great prejudice was created against them. And they contend that there was no resort to arms on their part until from this and other causes they were convinced that their destruction was determined on, and that their only hope of safety lay in their own courage and strength if an armed force was sent to dispossess them of their homes. They do not understand why, if the Queen buys the houses and private properties of Her subjects, Her Majesty has more right to enter upon such properties than any of Her Majesty's subjects, and they say that until they were sure armed force was intended, the survey of the land claimed by Teira was only interfered with by women, who without violence interrupted the surveyors on portions of land which were their own property, or that of their husbands.

10. Their general statement with regard to all this, is, that the people of the Waitara were driven from their homes at the point of the sword. That a great crime has been committed against them. That through all future generations it will be told that their lands were forcibly and unlawfully taken from them by an officer appointed by the Queen of England; and they are particularly excited at a well known native murderer having been adopted as the friend and ally of the Government in some of these alleged proceedings; this confirming their belief that the real object of the Government is to get land, and that any instrument, however bad, will be used for this purpose. The strength of the language they use on this point would hardly be credited by those who had not heard it. The result is, that leading native after leading native has told the Governor that they will under no circumstances aid the Government in any attempt to hold the land at the Waitara if any war should arise in reference to that block of land; and large numbers of other influential natives have declared to the Governor that the whole native race will engage in a general and simultaneous war upon the several European settlements of the Northern island if any further war should be engaged in by the Government on account of the Waitara question.

11. The natives will not agree to any investigation of the title to the land at the Waitara alone. They



say they do not want that. That a great wrong has been done them, which has entailed great suffering on them, and that they ask for an inquiry into the whole affair, in order that it may be shown who is really guilty of the evils which have sprung from the late war.

12. These are the arguments and assertions made use of by the native race; their truth or the contrary can only be ascertained when full means of forming a judgment on this subject have been obtained; but in order that the Government may arrive at a just decision on the questions now under consideration, on the right solution of which such great interests depend, it seems fair to both races that the reasonings and pleadings of the natives, which they have no adequate or proper means of giving utterance to themselves, should be recorded and considered.

13. The natives throughout the island are also now in a state of chronic discontent and revolt, giving as their grievances those which are stated in this minute. Many of them have in consequence renounced the Queen's sovereignty; numbers of them declare they have been so wronged that they will never return under it.

14. The Governor has exhausted on them every argument and influence he could use, without in any way moving their dogged determination in reference to the Waitara question, and he regards it as hopeless now to look for any success in this matter, or to think that he can lead them to be satisfied with a mere investigation of the title. They say that is quite clear and well known. What they want is an inquiry into the whole affair, and into the fact of who is to blame for the evils that have occurred.

15. The Governor now proceeds to consider his own position in reference to the block of land at the Waitara.

16. He is informed that since the war no complaint whatever has been made against the natives of the Waitara district; and the Governor's powers in reference to the block of land stated to be claimed by Te Teira are narrowed down within the limits prescribed by his predecessor, as follows:—

“The investigation of the title, and survey of the land at Waitara to be continued and completed without interruption.

“Every man to be permitted to state his claims without interference, and my decision, or the decision of such persons as I shall appoint, to be conclusive.

“In conformity with the declaration made on the 29th November 1859, the rights of those who may prove their title to any part of the piece of land at Waitara will be respected.”

17. The Government is thus to be at the trouble of investigating every claim to this land;—to put each owner in possession of his own piece of land;—and to retain the residue of the 980 acres (if any) for the Crown, paying for the same the sum of 880*l.* in addition to the 100*l.* already paid.

18. Since the Governor has arrived at Taranaki, from inquiries made by the Native Minister and himself, the following facts have come to light in reference to this piece of land, which have hitherto (if known) never been reported to Her Majesty's Government, or in any way made public, which are of the most important nature, and in the Governor's belief alter the whole character of the transaction. They are as follows:—

The block of land of 980 acres, said to have been bought from Te Teira, has never been paid for; a deposit of only 100*l.* has been paid.

The block was originally to have consisted of 600 acres, for which 600*l.* was to be paid. Teira expects, therefore, to receive 980*l.* for the present block. By the arrangement made with him he would be entitled to this sum.

This block of 980 acres of land now appears to have been inhabited, at the time Teira undertook to sell it, by William King, and between 200 and 300 of his people. They had been in occupation for 12 years; had villages, cultivations, houses, and other buildings on it—their homes for years.

Teira now states that William King and these people occupied this land, under a valid tribal arrangement, which would appear from his statement to be of such a nature that no person could sell the land without William King and these people being consenting parties to the sale.

Teira, also, now admits that there are other legitimate claimants to various portions of this block of land.

Teira further states that he had never intended to sell the sites of the native villages, although these were what the Government especially wanted to form a town site on the river.

Finally, Teira alleges that it was arranged that he was to have a reserve of 200 acres for native purposes kept on the block of land, and that this reserve has not yet been settled.

19. From these most important facts never having been made public, the Governor has no right to assume that his predecessor knew them, or that if he had known them, that he would have gone on with a land purchase of such a nature. It is to be observed that the Governor has himself been in New Zealand for 18 months, and did not know these facts until they were ascertained by personal inquiry at Taranaki, it seems, therefore, excessively improbable that his predecessor could have known them; even the present Native Minister was not acquainted with them until a few days since. The Governor thinks, therefore, that there is no reason, arising from delicacy or the respect he would always wish to pay to the views of his predecessor, why he should persist in a course in the propriety of which he does not concur, and which he would not follow out against his reason, if he had in error entered upon it himself.

20. If we had not peaceably entered into possession of the European lands at Omata and Tataraimaka, it would have been difficult to have abandoned the intention of purchasing the lands at the Waitara, however objectionable in many respects it might have been to make that purchase, because it might have been said (however unjustly) that the abandonment of our intentions to make such a purchase was a sort of bribe to the natives, to induce them to allow us peaceably to occupy our own territories. Now that we have taken peaceable possession of the Omata and Tataraimaka blocks, this objection to abandoning the intended purchase of lands at the Waitara no longer exists.

21. The Governor's view therefore is, for the reasons here stated, and contained in other papers he has laid before the Ministers, that this Government should not go on with the purchase of the block of land at Waitara, but that the following notice should be at once issued:—

“His Excellency the Governor directs it to be notified that from facts now come to light, and not



before known to him, he does not think that the purchase of the block of land at the Waitara is either a desirable one or such as the Government should make, that his Excellency therefore abandons the intention of making this purchase, and forfeits the deposit of 100*l.* which the Government has paid on this land."

22. The country is in such a state that the Governor by no means feels confident that this act will quiet the minds of many of the native population. On the contrary, he thinks it may now be impossible to avoid some collision with them; but he believes it would at once win many over to the side of the Government; that it is a proper act; and that if a contest must come, that the closest scrutiny instituted into the conduct of the Government, either in England or in this Colony, would result in an admission that every possible precaution had been taken to avoid such a contest, and to prevent the horrors of war falling on this Colony, and that it was therefore clear that war with the natives was an evident and unavoidable necessity, which the European race must meet with that resolution, fortitude, and energy which they have never failed to exhibit in a cause of undoubted justice.

New Plymouth, Taranaki,  
April 22, 1863.

(Signed) G. GREY.

Enclosure 9 in No. 1.

Encl. 9 in No. 1.

Statement of Captain BULKELEY, 65th Regiment.

WE marched for the Waitara on Monday the 5th March 1860, on arriving on the land sold by the native Te Teira, we halted on the highest ground on the block, and were met by a native from William King's pa, "Stephen" by name, who got water and peaches for the men.

After a few hours we moved to where the permanent camp was formed.

Next morning I saw some natives carrying timber from the fences round the cultivations up the road into town, and reported the circumstance.

At about 8 o'clock a.m. the "Niger's" men were landed, and we turned out to destroy a small pa; it was empty when we arrived at it. I believe the greater portion of the pas at the mouth of the river were burnt that night as the sailors were returning to their ship.

The following Sunday "Stephen" told me that either on Wednesday or Friday night a pa would be erected on the land Te Teira had sold. I told this to Mr. Parris that afternoon.

I rode into town the next day and saw where the ditches for the new pa had been commenced. When I returned I brought out a white ensign, which Captain Cracroft gave me. I got leave from Colonel Gold and brought up to our camp William King's flagstaff. The "whares" were standing then in the part of the pa from which I removed it.

On Saturday, the 17th March, the L pa was attacked and taken the following day.

I marched into town on Saturday the 24th March.

The natives from the pas at the mouth of the river must have been left in the greatest haste, for after the pas were burnt, remains of furniture, cooking stoves (American), and even of money, melted into a lump, were found by the soldiers and others. It was the largest pa I ever saw; I feel certain over 200 natives must have constantly lived there.

(Signed) F. B. BULKELEY,  
Captain, 65th Regiment.

Taranaki, April 17, 1863.

Enclosure 10 in No. 1.

Encl. 10 in  
No. 1.

STATEMENT of E. HOULTHAM, a Private in H.M. 65th Regiment.

I AM a private in the 65th Regiment, and was one of the expedition that proceeded to the Waitara on the 5th March 1860.

I remember the pas at the mouth of the river; they were large pas capable of holding 300 people; the first pa was burnt when we arrived near Puketakauere. I believe that there was a considerable quantity of property destroyed in the pas; I saw the remains of boxes, also chests of tea, boots, &c. Private Copeland of my company picked up a lump of gold which we supposed had been money that had been melted when the pa was burnt. I was with him at the time he found it amongst the remains of a house. The remains of an iron cooking stove were brought up to camp and used by the officers.

Taranaki, April 17, 1863.

(Signed) ELIJAH HOULTHAM.

Enclosure 11 in No. 1.

Encl. 11 in  
No. 1.

EXTRACT from the TARANAKI HERALD of the 10th March 1860.

"Monday, 5th March 1860.—At 4 a.m. the troops, preceded by some of the mounted escort, started on their silent march with the heartfelt wishes of the settlers for the safety and success of the expedition. The comparatively few who had risen at so early an hour to see them off were desired not to cheer, and little was heard at any distance but the cries of the bullock drivers. The advanced guard was followed by two field pieces, and the carts and main body followed, the whole under the command of Colonel Gold commanding the forces. The 'Niger' having embarked his Excellency the Governor, steamed about this time for Waitara. During the day great anxiety was felt for news, and it was not till 6 p.m. that the mounted escort returned with the cheering intelligence that the troops had reached Waitara without obstruction. On arriving at Ikamoana (a spot celebrated in native feuds) the force struck off the Devon road and crossed at the junction of the Mangaraka and Warongaua rivers. Here they rested for some time to allow the carts to come up and get the guns across. From this point an advanced guard of skirmishers was thrown out, covering nearly a mile of country; the service was

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very harassing, but it effectually guarded against ambuscade or surprise. When Waitara was sighted the Union Jack was flying over Wi Kingi's pa, and on arriving on the ground at 2 p.m. it was found that the 'Niger' had landed everything and was in possession, the natives having retired precipitately at the sight of the blue jackets and marines. The appearance of the military, as the body wound its way along the road, preceded by the skirmishers and followed by the guns and baggage-waggons, is described as a very picturesque as well as imposing sight, and we doubt not struck terror into the hearts of the natives who were posted on the surrounding heights."

Encl. 12 in  
No. 1.

Enclosure 12 in No. 1.

In a note from Mr. F. A. Carrington (dated at New Plymouth, 20th April 1863) to Captain Bulkeley, he states:—

In reference to your query respecting the cultivations which the natives had beside their three pahs (within the bounds of the disputed block at Waitara) when the war broke out, I regret to say that I cannot give you exact information on this point, but from the occasional visits which I made to the Waitara just before the war commenced, I am impressed with the idea that from 60 to 120 acres, were under cultivation in the block named.

(Signed) FRED. A. CARRINGTON.

Encl. 13 in  
No. 1.

Enclosure 13 in No. 1.

(Copy.)

SIR,

New Plymouth, April 28, 1863.

WITH reference to the statement of Te Teira respecting a reserve of 200 acres having been promised to them in the block offered by them to the Government, I have the honour to report that I am not aware that the quantity was ever fixed at 200 acres; but they were promised by the Government allotments to be held under "Crown grants," some of which said allotments were to have water frontage in the intended township, for the accommodation of their canoes and storage for their produce, and other allotments for cultivating on some other part of the block.

I have, &c.

The Honourable the Native Minister,  
&c. &c. &c.

(Signed) ROBERT PARRIS,  
District Commissioner.

No. 2.

No. 2.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 42.)

Taranaki, May 5, 1863.

(Received July 16, 1863.)

(Answered by No. 78, July 25, 1863, and  
No. 88, August 25, 1863, pages 98 and 100.)

MY LORD DUKE,

UPON the 24th ultimo, Despatch No. 39,\* I transmitted to your Grace the copy of a Minute I had addressed to my responsible advisers, recommending the issue of a notice to the natives that the Government had abandoned the intention of completing the purchase of a block of land on the Waitara river. In that Despatch and in its Enclosures, I explained the reasons on which I justified that recommendation, and in my Despatch I expressed my hope that my responsible advisers might adopt my opinion and act speedily upon it, for I knew that all depended upon rapidity of movement in this matter. I had, well knowing this, pressed the subject on Ministers in conversation, and laid it before them in writing on the 10th of April, for I thought that the natives had encouraged our peaceable occupation of the Omata and Tataraimaka blocks in the hope, that having taken these without opposition, we would relinquish the purchase at the Waitara, and I thought that no very lengthened time might be left for our determination, it being my belief, as I reported to your Grace, that the natives were anxious to bring on a general war before we were prepared for it.

2. On the evening of Thursday, the 30th of April, I received from Ministers the Minute, a copy of which I have the honour to enclose, in reply to mine of the 24th of April, giving it as their opinion, in as far as I understand the Minute, that they only thought that the intention of purchasing a part of the block of land should be abandoned by the Government, and leaving the decision regarding the mode of dealing with the remainder of the block to me, undertaking however to aid me in carrying out my decision, whatever it might be. I enclose also for your Grace's information a copy of my reply to the Ministerial Minute.

3. The question of abandoning the purchase at the Waitara was mixed up with the question of a general amnesty (excepting therefrom only certain persons accused of committing murder). I enclose a copy of my Minute on this subject, and of the reply of my responsible advisers, which I did not receive until Sunday the 3rd instant.

See Enclosure  
No. 2 to Des-  
patch No. 39,  
April 24, 1863.

Encl. No. 1,  
Minute by  
Mr. Domett,  
dated April 30,  
1863.

Encl. No. 2.  
Minute by Sir  
G. Grey, dated  
May 4, 1863.  
Encl. No. 3.  
Minute by Sir  
G. Grey, dated  
April 29, 1863.

Encl. No. 4.  
Mem. from  
Mr. Domett,  
dated May 2,  
1863.

\* Page 1.



4. Upon the morning of the 4th instant, I regret to say that what was in truth a most terrible and shocking murder was committed by the natives on the land between Omata and Tataraimaka block, the details of which I will transmit in another Despatch. This sad event has much complicated affairs.

5. A small party of men were coming along the beach about nine o'clock in the morning, bringing into New Plymouth a military prisoner for trial; they were accompanied, for the sake of the protection numbers gave, by two young officers, Lieut. Tragett and Assistant Surgeon Hope of the 57th Regiment, coming to town on private business. This party was fired on by a body of natives lying in ambush, and at a single volley all of them but one or two were killed or mortally wounded. The wounded were brutally cut about the head with tomahawks. Two officers, two serjeants, and four men were thus murdered on the very day month we took possession of the Tataraimaka block. I enclose to your Grace a letter I only received this morning, although written on the 29th of April, in which a gentleman, who has a thorough knowledge of the native race, foretold that some such terrible event was likely to take place, he informing me as follows:—

Encl. No. 5.  
Copy of letter  
addressed to  
Sir G. Grey,  
April 29, 1863.

“ They (the natives) argue that those places (Omata and Tataraimaka) are theirs by conquest, and that they had a right to hold them, and they were determined to do so, so long as we hold Waitara. We propose to decide Waitara by arbitration, but to this they object, and contend that so long as we hold Waitara they will hold the other places or fight for them, and that if they fight they have a right to fight in their own way, even as we fight in our own way.”

6. I fear that I cannot now prevent war by acting in the manner I believe justice required in regard to the land at the Waitara. I take great blame to myself for having spent so long a time in trying to get my responsible advisers to agree in some general plan of proceeding. I think, seeing the urgency of the case, I ought perhaps to have acted at once without or even against their advice, but I hoped from day to day to receive their decision; and I was anxious in a question which concerned the future of both races to carry as much support with me as possible; indeed, I could not derive its full advantage from what I proposed to do unless I did so. I believed that the violent of that party of the natives who thought their conquest and degradation would inevitably ultimately be attempted by the European race, were desirous to hurry on a war before we were prepared for it, and that they were most anxious to make the Waitara the cause of it, as uniting so many sympathies in their favour: so anxious are they to do this that the evil disposed of the Waikato tribes are holding William King virtually in a state of captivity in their territory, in the hope that his people will not dare to come to any arrangement with us regarding the Waitara during his absence. But I had hoped that a few days more would elapse before any such disastrous event would occur as has taken place. These are the only excuses I can offer for not taking the responsibility, and for not acting with the promptitude I now think I ought to have done. I however still have this hope left, that the shocking nature of the wholly unprovoked murders now committed may strike with shame and horror the better disposed amongst the native race, and thus prevent them from confounding the troubles which must result from these murders with the disputes which have arisen regarding the land at the Waitara.

I have, &c.

His Grace the Duke of Newcastle, K.G.,

(Signed) G. GREY.

&c.

&c.

&c.

Enclosure 1 in No. 2.

FOR HIS EXCELLENCY.

Encl. 1 in No. 2.

MINISTERS have carefully considered the Governor's minute of April 22nd.

They wish in the first place respectfully to observe that in their minute of the 20th instant they did not intend to argue a case on behalf of the European colonists against any of Her Majesty's subjects of the native race, but simply to call the Governor's attention to the state in which the natives of Taranaki had existed for many years previous to the Waitara purchase, and which rendered some decisive interference by Government imperative.

Ministers trust that nothing in their minute would countenance the imputation that they intended to justify the desire on the part of any one (if such desire as his Excellency believes exists that war should be made for the acquisition of native territory.

His Excellency's present advisers have always believed that the real quarrel between the Government and the natives concerned in the late insurrection was not whether the title to a particular piece of land was good or bad, but whether any natives in case of a dispute between them and the Government might resort to arms to resist the course the Government pursued. The Colony as a whole never cared for the purchase of Waitara. Only a few have any interest in it. Had the colonists at any time believed that the war was being carried on to obtain land, Ministers are firmly persuaded that the judgment of the Assembly and the whole voice of the settlers would have been against its

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prosecution. The views which the Governor attributes to some of the Taranaki settlers (the whole body of whom do not constitute one-fiftieth part of the European population of the Colony) have never found an advocate in the Assembly, and would be rejected throughout New Zealand.

It is quite true that Ministers believed, and even with the new facts which have recently transpired relating to the purchase, they see no reason to abandon the belief that the war at the Waitara was the natural result of a previous combination among many powerful tribes to prevent the further alienation of land to the Crown, and thus to oppose a barrier to the further spread of colonization. But against a combination even for that object the Colony would not have desired to see force employed so long as its effects were confined to the property of the combining natives. The Assembly in 1860 believed that the time had come when dissentient natives ought to be protected by the Queen's Government from the oppression which was threatened by a rival authority, and that it was to uphold that rival authority at all risks that the war was joined in by the Waikato tribes, who were disputing, not the validity of Teira's title, but the authority and jurisdiction of the Crown.

With respect to several statements of the natives as to the origin of the war, recapitulated by the Governor, Ministers are desirous that they should not be understood as acquiescing in their truth merely because they abstain from a refutation of them.

Ministers now understand the Governor to have come to the following conclusions:—

1st. That it is hopeless to look for any success in the attempt to induce the natives generally to submit the case of the Waitara land purchase to a mere investigation of title.

2nd. That so deep-rooted a feeling exists on this subject in the minds of the natives that the whole race would engage in a general and simultaneous war upon the several European settlements, of the Northern Island, if any further war should be engaged in by Government on account of the Waitara question.

3rd. That the new facts which have lately transpired relating to the Waitara purchase, viz., firstly, that an agreement existed among the members of the tribe that the pas south of the Waitara should be occupied as places of security for the tribe, which agreement had never by general consent been put an end to; secondly, that a large number of natives were living in pas within the block sold, and had been living there for 12 years; and thirdly, that Te Teira intended to make a reserve of these pas, which intention he never communicated to Governor Browne; that these facts are such as to show that the Waitara purchase ought not to have been prosecuted.

4th. That under these circumstances, a small instalment only of the purchase money having been paid, the purchase ought now to be abandoned.

1. With respect to the first of the above paragraphs, Ministers do not understand that the Governor is necessarily precluded from the more extended investigation desired by the natives. For their own part they can have no objection to any investigation, the amplest and most searching that can be made; but this is set aside by the conclusion the Governor has come to, stated in the paragraphs that follow.

2. Ministers cannot dispute the opinion that an attempt on the part of the Government to settle the Waitara question by force of arms would probably result in a general rising of the natives, and an attack upon all the European settlements of the Northern Island.

3. Ministers admit that the fact of a large number of natives having been resident for many years upon a part of the block of land offered for sale at Waitara under the tribal agreement above stated, and the fact of a reserve of some sort to cover the places thus occupied having been stipulated for but never made, justify the conclusion that such a purchase should not have been completed until satisfactory arrangements on these points had been made with the natives. Certainly if the circumstances were to occur over again, his Excellency's present advisers could not recommend that any offer of sale, leaving such points of difference undetermined, should be entertained. Although the facts alluded to do not in any way affect Te Teira's abstract right to the ownership of the land, it is quite clear that some of them are such as would have prevented the former Government, had it been aware of them, from completing the purchase. Ministers conclude with his Excellency that that Government was not aware of them. The facts themselves appear indisputable, having been voluntarily communicated by Te Teira himself to the Native Minister.

4. Is then the purchase to be abandoned?

Admitting the facts above stated, it certainly appears to Ministers consistent with justice that all claim to the site of the pas, and all the land intended to have been reserved, should be relinquished by Government, and the purchase to that extent at least abandoned.

On the other hand, the relinquishment of the purchase of the rest of the land undoubtedly implies the abandonment of one of the principal objects for which the war was undertaken, viz., the maintenance of the principle that one native should not by force prevent another from selling land belonging to the latter. William King's pretension to prevent Te Teira selling his own land would virtually be admitted, unless it be decided that Te Teira has no individual proprietary right to any land at all within the block. But the Native Minister declares that, with the exception of the tribal occupation of the pas, nothing has occurred to shake his conviction that the proprietary rights of the sellers to the greater part of the block would be proved by any investigation to be valid. Ministers do not think it would be right to abandon the principle just stated. They believe that the Duke of Newcastle was right when, in his Despatch to Governor Browne, of the 27th November 1860, he expressed his opinion that William King had undoubtedly assumed towards Government the position of a chief using his influence to further the usurpations of a land league, which attempted to prevent persons over whom they had no legitimate authority from alienating their lands. And they concur with his Grace in thinking that "all such attempts should be inflexibly resisted." But if Teira's own land, with respect to which King had no legitimate influence over him, be now given back, will not an attempt precisely of that kind which should be inflexibly resisted have been really if not formally acquiesced in by Government?

Again, without some further arrangements (which, however, may be made) the abandonment of the purchase might be held to involve as a consequence the possible abandonment of Te Teira and his party, the sellers of the land, who fought on the side of the Government during the war, to the chances of a renewal of the native disputes about the ownership of this land, and of the miserable state of danger and continual hostilities in which they were living before the war, should Wiremu Kingi or his followers attempt any retaliation upon their late foes.



Te Teira would apparently be placed by this measure, without an investigation, in the worst position in which he could be placed, as far as regards his title to his own land, even by an investigation the result of which should prove unfavourable to his claims.

To Ministers, with their views of the past and present circumstances of the case, there appears to be this amount of real or possible injustice involved in the abandonment of the whole of the purchase.

Considered as a matter of expediency the proposal has many forcible reasons in its favour. The Governor, if Ministers do not mistake the purport of his minute, has come to the decision that the purchase being unjust, and one which could not be investigated or carried on without a general war, he himself could not compel by force either its investigation or completion. In the face of this decision of the Governor, it is certain that no war for these objects would be sanctioned or entered into by the Imperial Government; and it is equally certain that a war carried on by the Colony, unaided, would be attended with many disastrous results. Nor are Ministers prepared to assert that the maintenance of this purchase is a cause for the sake of which they should at all hazards plunge the Colony into opposition to the Governor, to the Imperial Government, and into a war of races with the natives. It appears to Ministers that the preponderance of motives based upon expediency is greatly in favour of the Governor's proposal. At the same time they cannot overlook the fact that there is at least considerable probability that the abandonment by Government of a position so long adhered to may be looked upon by the natives as a mere concession to dogged resistance, if not to intimidation. And in such case, though existing irritations might be allayed for a time, the difficulty of overcoming or dealing with any future opposition of the natives to Government, on account of the King movement for instance, would be very much increased.

Ministers have no hesitation, then, in recommending that the Governor should immediately renounce all claim on the part of the Crown to the site of the paha occupied by W. King and his people, and to all the land intended to have been reserved, the amount of which, or any additional amount which it would have been reasonable to have reserved on the same grounds, should be determined by arrangements immediately to be made.

With respect to the proposal for abandoning the remainder of the land, it is not one, at least in its present unqualified shape, which seems to Ministers free from the serious objections above stated. Nevertheless, considering the great complexity of the whole case, the difficulty of the Governor's position, and the critical state of the Colony, and the aggravation of all these evils which would be produced by the opposition of the Ministry to any course which the Governor might feel himself compelled to adopt, Ministers consider that they are justified, especially under the relations between them and the Governor, established with respect to all matters of native policy, in leaving the decision of this part of the question entirely to his Excellency; undertaking on their part, whatever that decision may be, to assist his Excellency to the utmost of their ability in so carrying it into effect as to make it conducive to the establishment of a permanent peace.

New Plymouth, April 30, 1863.

(Signed) ALFRED DOMETT.

#### Enclosure 2 in No. 2.

Encl. 2 in No. 2.

THE Governor feeling the responsibility which rests on him in relation to the land under purchase at the Waitara to be very great, thinks it right to offer the following remarks on the Ministerial minute of the 30th of April.

Firstly, in reference to the statement made by Ministers that the Governor's opinion was "that some of the Taranaki settlers desired that war should be made for the acquisition of territory," he would state that he did not say that. What he said was, that there was a desire to induce him to enter into a war with the native race or to take land from them with the avowed object of promoting the permanent security of the province. In his opinion, cases might arise when either of the measures he had named might be necessary and justifiable acts, without which the lives and properties of large numbers of the Queen's subjects could not be secured, and it would often be a proper question for argument regarding which opinions might differ as to whether such a necessity had or had not arisen. But he does not think it would, under any circumstances, be justifiable to make war for the mere purpose of acquiring native territory. He concurs, therefore, with the Ministers in thinking that the judgment of the Assembly would be against such a course.

Secondly, the Governor would remark that Ministers admit, from facts now come to their knowledge, that they conclude that such a purchase as that of the block of land at the Waitara should not have been completed until satisfactory arrangements on certain most important points had been made with William King's natives. That if these circumstances were to occur over again they could not recommend that any offer of sale, leaving such points of difference undetermined, should be entertained, and that some of these are such as would have prevented the former Government, had it been aware of them, from completing the purchase.

Under these circumstances the Governor does not attach any very great weight to the former views of the Assembly and of the Secretary of State, as to the origin of the war, for they were based on imperfect information. The Government, it is now evident, was, and still is, in the same unfortunate position. It is a very unusual circumstance in reference to so important a subject as turning more than 200 of the Queen's subjects out of their houses and homes, and deciding that the right of property in these was in another subject not in themselves, that not a line of written evidence exists to show the grounds on which the officer deciding this question came to such a conclusion. No appeal can consequently be made against his decision; and it is probable that so light and careless a mode of dealing with rights they value so highly must create much bitterness in the minds of any race. Moreover, from the frequent use made of the Queen's name in the manifesto setting forth the causes of the war, such as, "the land was now in the Queen's hand," that "William King was interfering with the Queen's rights," &c. &c., the question became, in the minds of many Europeans, one of loyalty to the Crown, and on which consequently all their bitter feelings were likely to lead them astray; whilst, to the natives, what appeared to them a great wrong appeared to have been done by the Queen's

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direct authority, to which they had always been previously accustomed to look as their protector from wrong. It seems probable, therefore, that the result might have been to create a great prejudice in their minds against the Queen's authority.

Thirdly, the Governor would remark on the Native Minister's declaration, that "with the exception of the tribal occupation of the villages, nothing has occurred to shake his conviction that the proprietary rights of the sellers to the greater part of the block would be proved, by any investigation, to be valid;" that the Governor's situation is one of great difficulty. He asks in vain for the evidence taken at the investigation of the title, and none can be produced for his guidance; and in each instance, as yet brought under his notice, he has found that the statements made by the natives opposed to the sale of the land were correct, although they had been previously contradicted by the Government.

Lastly, the Governor would state that the purchase never has been completed, and if the Government admit that there are such difficulties in the way as ought from the first to have prevented the completion of the purchase, he thinks that the intention to do so should be at once abandoned; especially as it is admitted that the attempt to complete it would probably result in a general rising of the natives, and in an attack upon the European settlements of the Northern Island, several of which the Governor is satisfied are quite unable at present to resist without terrible loss; an event for which no adequate preparation has been made in them by the Government. In abandoning the intention of purchasing the land for the Crown, no necessity would be involved of immediately withdrawing the troops quartered there, or of ceasing to give protection to Teira and his people, or of in any way relinquishing such sovereign rights as the Queen has over other lands belonging to her subjects.

(Signed) G. GREY.

Taranaki, May 4, 1863.

Encl. 3 in No. 2.

Enclosed 3 in No. 2.

(Copy.)

MINUTE

THE Governor begs to remind Mr. Domett that about a fortnight since he requested the advice of Ministers regarding the course they would advise him to pursue in reference to the natives inhabiting the country south of Taranaki, especially in regard to the plunder they took during the late war, and that he then read to Mr. Domett the annexed draft proclamation, as containing the outline of the course he then recommended as the most judicious one to adopt, but he begs that Ministers will favour him with their advice on this subject, as soon as they conveniently can, for it is a matter which should be dealt with without delay.

(Signed) G. GREY.

Taranaki, April 29, 1863.

#### DRAFT OF PROPOSED PROCLAMATION.

"Her Majesty's Government having now taken peaceable possession of all lands claimed by Europeans in this province, and compensation having been provided for the losses sustained by the Taranaki settlers in the late war, I hereby, in Her Majesty's name, and on Her Majesty's behalf, proclaim a general amnesty and pardon for all persons who bore arms against Her Majesty in the said war, with the exception of the under-mentioned persons, who being accused of the crime of murder, or of treacherously killing unarmed men and children, will be brought to trial before the Supreme Court whenever they may be apprehended."

The names of the persons excepted for the above-mentioned reason from this general amnesty and pardon are, &c. &c.

Encl. 4 in No. 2.

Enclosure 4 in No. 2.

#### MEMORANDUM FOR HIS EXCELLENCY.

REFERRING to the Governor's minute of the 29th April (and the preceding one on the same subject) asking the advice of Ministers upon his Excellency's proposal to issue a proclamation of general amnesty, especially with respect to the plunder taken by the southern natives, the Colonial Secretary forwards a minute by the Native Minister, embodying his views on this point.

The Colonial Secretary concurs in these views.

The state of the case appears to be as follows.

Governor Browne on the 21st May 1861, offered a general pardon to the Waikato natives on their compliance with certain terms or conditions.

On the 30th November 1861, the present Governor declared his intention not to carry out at that time the publicly recorded determination of his predecessor to compel the Waikato tribes to submit to those terms.

The conditions made by Governor Browne were, submission to the Queen's authority, restoration of plunder, and compensation for the property of Europeans destroyed. The offences to be condoned were, therefore, resistance to the Queen's authority, the holding of plunder, and the destruction of property.

The withdrawal from Governor Browne's determination having been followed by announcements to the natives that they would not be attacked on account of the King movement, the conciliatory tone adopted by the Government on all occasions with respect to it, and the determination to leave it to be undermined by argument with the natives, and by their experience of the difficulties attending its being carried out, seem to imply at the least a condonation of the past offence of resistance to the Queen's authority on that account.



Everything during the last 18 months must have tended to produce the conviction in the minds, at all events of the Waikato natives (including the Ngatimaniapoto), although they perhaps care very little about it, that their past offences are forgiven. It appears to the Colonial Secretary that the Government might as well at once give up the intention of attempting to punish the offenders at all, as hold it under so many chances against its ever being carried into effect. The last condition that compensation should be made by the natives who destroyed property, is even more unlikely to be complied with, and certainly could not be enforced against the Ngatimaniapoto and Waikato except after a general and successful war.

The Ngatimaniapoto were the rebels who took and retained most of the plunder and burnt the greater part of the houses. If the views above expressed be correct, the offences of this tribe in this as in other respects have been virtually though not expressly condoned.

There does not seem to be any reason why the southern tribes should not share in the condonation accorded to Waikato regarding the offence of insurrection, for they were more nearly connected as friends and allies with William King than the Ngatimaniapotos were, to avoid attacks from whom he had formerly taken refuge on the south side of the Waitara. The Ngatimaniapotos therefore of the two had less excuse to take up arms in his cause.

The offences of holding plunder and destroying property having been thus treated in the case of the Ngatimaniapoto, the more powerful and inaccessible tribe, who committed these offences to a much greater extent, it is out of the question that Government should punish the southern tribes, who were less guilty and are much weaker.

There is no question of the loss to Europeans of the property taken or destroyed, because the Colony, as pointed out by the Native Minister, has already provided the means of compensating them for these losses. The plunder then if restored, and any compensation if given by the natives for property destroyed, would have belonged to the Colony and not to the settlers of Taranaki.

It is equally undeniable that Government has always treated the insurgent natives less as rebels than as a foreign enemy at war with it. Plunder taken on both sides would, consistently with this practice, have to be looked upon as spoils of war, and have to be restored by both sides if by either.

Looking, then, at what has been done already with respect to the northern tribes, and comparing their offences with those of the southern, and the strength and circumstances of both, it appears, that the decision of the Government regarding the northern tribes having been approved by the British Government, the Government can only avoid inconsistencies (and those of a kind unworthy of it) by showing to the southern tribes the same leniency already shown to the northern.

The question of the mode of dealing with the murderers belonging to the southern tribes is not entered into in the above remarks, because the Governor proposes, very rightly, to except them from the amnesty recommended.

May 2, 1863.

(Signed) ALFRED DOMETT.

(Copy)

Sub-Enclosure to Enclosure 4.

Sub-Enclosure  
to Encl. 4.

Mr. DOMETT,

WITH regard to the Governor's minute on the subject of the plunder taken by natives during the recent war, I think it will be as well if I put you fully in possession of my views before you reply to his Excellency.

I have always considered myself, that those who demanded the restitution of the plunder taken during the war proceeded upon an erroneous view of the relations between the Government and the insurgent natives. The Government never treated the latter as rebels, they declared them to be such, but practically admitted their belligerent rights, just as in America the secessionists are always called rebels by the Federal Government, but are in practice treated as foreign enemies engaged in lawful war. My opinion on this matter was known to Governor Browne and the former Governments.

At a very early period of the war both natives and settlers were in the habit of making raids and taking away each other's cattle. I annex extracts from reports of Mr. Parris, which will show you the kind of transactions that used to take place. When the report of December 24, 1861, was received in Auckland, it appeared to me that the time was come when it should be decided once for all what should be done about the plunder question. It appeared to me quite ridiculous that settlers should be holding horses and cattle taken by them during the war as "loot," but that on the other hand the natives should be required to give up what they had taken. It was absurd to suppose that the natives could ever be brought to see that there was any difference between the acts of the soldiers, militia, and settlers in taking their cattle and their acts in taking the settlers'.

When I was engaged at Mr. Fox's request, in the printing of the sessional native papers to be laid before the Assembly last year, I became aware of the fact that the Governor had withdrawn from the declaration of May 1861, made to the Waikato tribes. From that moment I considered that the Government ought to give up any demand for the plunder at Taranaki. It was notorious that the Ngatimaniapoto, as the Governor expressed it in one of his despatches, "did all the house-burning business," and "possessed lots of plunder which they would not give up." To condone an offence in one tribe and punish it in another was impossible.

When the Assembly met, the question of compensating the Taranaki settlers for their losses was considered upon the basis of Mr. Sewell's award upon the claims brought before him, which comprised all losses of cattle, horses, and other animals taken by the belligerent natives. From the time that the Government undertook to grant 200,000*l.* for the reinstatement of the settlement and its inhabitants, the claimants ceased to have any interest in the cattle; for it surely never could be held by any one that the Colony was bound in addition to its grant of compensation to get back for the settlers all the "loot" taken in the war. It then became a question not of recovering plunder, but of inflicting punishment.

Whether this view is right or wrong, I consider the matter has really been settled already by a decision while our predecessors were in office. I enclose the copy of a report from Mr. Parris,

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relating to a horse taken as "loot" by a settler from the natives, and afterwards claimed by Matini Tupoki, in which case it was decided that as the horse belonged to a native who joined the rebels in arms against the Government, the horse should be returned to the European claiming under the original capture. This appears to be conclusive, that "looted" horses were treated as spoils of war.

The greatest annoyance is constantly experienced by me from cases of ownership of cattle brought in by southern natives. The other day a herd of cattle was brought up from the south, exposed in accordance with the provincial ordinance, and bought by a settler. After the sale had been effected, and delivery taken, the purchaser refused to pay for one of the beasts on the ground that it was his own property. It was in vain that I urged him to pay the purchase money, and in the end he had to be summoned in the resident magistrate's court, when it was clearly proved that he had no right to the beast. Judgment being given for the native, he still objected to pay. Mr. Parris advanced the money out of his own pocket, and on my return from Auckland, I instructed Mr. Parris to take out execution unless the money was paid forthwith, upon which threat the money was at last paid.

Since I have come here I have got to know that the commissioners for distributing the compensation have deducted in round numbers the sum of 3,000*l.* as the value of live stock recovered since the time of Mr. Sewell's award, when 35,732*l.* were granted as the value of stock lost during the war. I am not aware of what precautions are taken to verify the recovery of any cattle; but I should think it was unlikely that the person to whom I have referred would have taken and caused all the trouble he did, only to go to the commissioners and ask them to reduce his claim by the value of the beast.

I, therefore, earnestly recommend you to concur in any proposal which shall finally put an end to the plunder question here, and let everybody keep what he has now got, if taken as "loot" during the war.

Taranaki, May 1, 1863.

(Signed) F. D. BELL.

Encl. 5 in No. 2.

Enclosure 5 in No. 2.

SIR,

Wednesday morning, April 29, 1863.

LAST night after I saw your Excellency, I was very much concerned to hear more particularly of two or three "tahapas" or ambuscades of natives on Sunday night or Monday morning last, between Poutoko and Tataraimaka. Your Excellency will have heard of this, but I feel it to be a duty on my part to express my anxiety. I have always said I cling to the hope of peace. I pray most ardently and sincerely for peace, and I am sure that as a settlement we anxiously deprecate war. But this "tahapa" has a threatening aspect, especially as it is in character with the previous conduct of the southern natives. They have said that Waireka and Tataraimaka should be "he matenga;"† they "have hung up this kupu‡ in their kete§ in their whare,"|| as they figuratively say, they have come up from the south to whakamana this kupu;¶ they are committed to this kupu mate,\*\* and if they go back home without accomplishing something it will be with them a case of Maori whakama.†† Waireka is gone from them, Tataraimaka is gone from them, and they have had no chance of trying their strength, and think they are not likely to have, and so now they are resorting to this plan of konihi‡‡ and kohuru§§ just to save their Maori honour. It is of a piece with this that Tamati Hone and Parenga Kingi and their party have stood aloof from all intercourse with your Excellency. The friendly natives understand this feeling of Maori whakama||| perfectly well, and hence it was that, knowing the probability of its operation (though the time and the place might be secret), they very properly gave the warning. And now that this feeling has shown itself in konihi or tahapa,¶¶ I fear we may not calculate with certainty on safety anywhere, and the thought that possibly some of our defenceless settlers in the bush might fall victims to this Maori feeling of whakama\*\*\* is most distressing. I heard on Sunday morning that the natives were going to "tutaki te ara,"††† but I little thought it was to be by a tahapa kohuru.††† I have reposed a good deal of confidence in the belief that the natives would not strike the first blow, but if they have become capable of "konihī,"§§§ they have made themselves capable of satisfying themselves and of proving, as they think, to other tribes, that the first blow has already been struck by our occupancy of Waireka and Tataraimaka. We, of course, know that we are only taking that which is our own, but they argue that those places are theirs by conquest, and that they had a right to hold them, and they were determined to do so, so long as we hold Waitara. We propose to decide Waitara by arbitration, but to this they object, and contend that so long as we hold Waitara they will hold the other places or fight for them, and that if they fight they have a right to fight in their own way even as we fight in our own way. Your Excellency will perfectly understand that I am not justifying this kind of Maori arguing, but only explaining that in this way they may pretend to justify themselves in any outrages they may incite one another to commit.

And they may adopt another expedient, that of "whakabe"—taking offence against those tribes who have shown friendliness to your Excellency's proposals, they may seek to involve them or to place them in a false position by committing some enormity that may bring trouble or suspicion upon them, while they themselves escape with impunity or glory in their wicked doings.

Measures of caution may, perhaps, suffice, by the blessing and protection of God, to avert from us present evil, and as the natives become less excited, and their secret plans prove abortive, we may hope they will become more reasonable.

I am, &c.

His Excellency Sir George Grey, Governor,  
&c. &c. &c.

\* Ambuscade. † A cause of death or war. ‡ Promise. § Basket. || House. ¶ To perform this promise  
\*\* Promise to die or kill. †† Maori shame. ††† Ambuscade. §§ Murder. ||| Maori shame.  
¶¶ Ambuscade or murder. \*\*\* Shame. ††† Close the road. ††† Murderous ambuscade. §§§ Laying an ambuscade.



No. 3.

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No. 3.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 44.)

Taranaki, May 9, 1863.

(Received July 16, 1863.)

MY LORD DUKE,

(Answered by Nos. 78 and 79 of July 25 and 27, 1863, page 98.)

FROM other Despatches which I have sent home by this mail your Grace will learn that a very serious state of things has arisen in the northern island of New Zealand, and that there is great reason to apprehend that a general rising of the native population may shortly take place, for the purpose of making a simultaneous attack upon the several centres of European population, with a view to the total expulsion of the white race from this island.

2. I am quite satisfied that such a plot has been formed by a large number of influential natives, as also that they are now busily engaged in trying to carry it into effect. I still hope that they will fail in conducting it on such a large scale as they propose, but I believe the danger to be of a very serious and alarming kind, which may lead to a vast destruction of life and property.

3. To meet this danger the promptest measures must be taken, and my responsible advisers concur in opinion with me that the force in this country, in addition to the regiment now coming out (the 2nd Battalion 18th Regiment) will require without delay to be increased by at least 3,000 men.

4. It has been found from a long experience that there are parts of this country in which European troops carry on a war with difficulty, being neither fitted by previous training, equipment, or habits of subsistence for a warfare of the nature of that in which they are necessarily engaged, and it has been the general opinion of officers who have served in India that Sikhs would be better qualified than any other troops to perform the military duties required in New Zealand.

5. I represented this to my responsible advisers, and they have authorized me to apply to your Grace to order, in the present most serious state of affairs, that one European regiment and two regiments of Sikhs should be sent from India to New Zealand with as little delay as possible.

6. My responsible advisers think that the pay of the Sikhs should be doubled, and they undertake certainly to defray the increased rate of pay which will thus be given, stating further that they think this object of such great importance that they undertake to propose to the House of Assembly at its next meeting that the Colony should bear the cost of the whole of the pay of the Sikhs.

7. I can assure your Grace that I think that the reinforcements asked for should be sent as promptly as possible, for much will depend upon the despatch with which they reach this island.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Enclosure 1.  
Mem. from  
Ministers, dated  
May 5, 1863,  
not printed.

Enclosure 2.  
Mem. from  
Ministers, dated  
May 9, 1863,  
not printed.

No. 4.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 45.)

Taranaki, May 9, 1863.

(Received July 16, 1863.)

MY LORD DUKE,

(Answered No. 78, July 25, 1863, page 98.)

I HAVE the honour to transmit to your Grace the copies of letters noted in the margin showing the belief entertained by different persons that a general rising of the native people is contemplated if a war takes place at Taranaki, which event I fear cannot be now avoided. I am unable by this mail to have copies made of as many letters as I could desire.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

No. 4.  
1. Te Hapuku to Sir G. Grey, Te Awamutu, April 16, 1863.  
2. Mr. Purchas to Mr. Bell, April 16, 1863.  
3. Mr. Gorst to the Native Minister, April 16, 1863, not printed.  
4. Mr. Gorst to the Native Minister, April 23, 1863.  
5. Mr. Fulloon to Mr. Halse, the Native Secretary, April 15, 1863, not printed.  
6. Letter from Patara, April 27, 1863.  
7. Mr. Purchas to the Native Minister, April 25, 1863.  
8. Mr. Purchas, Auckland, May 2, 1863.

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Enclosure 1 in No. 4.

O FRIEND GOVERNOR GREY,

Te Awamutu, April 16, 1863.

GREETINGS to you. Here am I, having arrived here at Waikato, namely, at Ngaruawahia. I have indeed seen this King here. He is well disposed, but as to his people they are very badly disposed, for as to Ngatimaniapoto, Taranaki, Ngatiruanui, Ngarawui, Whanganui, Ngatiraukawa, these tribes are only disposed to evil.

Thompson alone is consenting to the words of you two, together with his tribe and Ngatihaua.

O Friend, have a care to yourself. Do not go forth to any distance to carry on your work of talking of justice lest you be shot; because exceedingly great has been the anger of the island towards you, on account of your having said that you would dig round it on all sides, and so the King movement would fall of itself, Waitara also and Tataraimaka; these are the causes-why the tribes here have become really angry with you.

Consider also that you only escaped but narrowly when you came up here to Ngaruawahia, and that was because there was no number of people there.

O Friend, the works of the tribes here have returned to the devices of Satan. I constantly hear it, as you may judge from this song of theirs: "What is the name of the mountain which stands there?" &c., and other songs. The feelings of Waikato are firmly fixed on these predictions of the priests. According to these predictions you will depart, that is to say, you will be dead. Therefore it is that I tell you to be on your guard regarding yourself. Leave your Europeans at Tataraimaka, and do you return yourself to Auckland; if you remain you will fall into the hands of the Maoris. My word to you is true. See now, you have not been quick in providing me the garment\* I spoke to you about. With you is the saddle for my horse. On my arrival in Waikato, very great indeed had been the evil practised towards your white man living here at Te Awamutu; this was the reason that I did not go to Auckland. I felt dark (sorrowful); there was no light, which could have been a reason for my going there. See now! great is the evil disposition towards you. Do not say this is nonsense; no, it is an exceedingly true word from me to you. However, do not you stretch out your hand against the Maoris; let the only foe killed by you be Tataraimaka.† If you seek to kill a man you will get the worst of it, and with the scattered remains of your people be driven away even to England.

\* \* \* \* \*

Encl. 2 in No. 4.

(Copy.)

Enclosure 2 in No. 4.

MY DEAR MR. BELL,

Te Awamutu, April 16, 1863.

\* \* \* was here to-day, and spent several hours with us. In the course of conversation with Mr. Fulloon and myself he gave us some information which, I think, you ought to have with as little delay as possible. I send you a copy of a circular letter from the Runanga of Mataitawa to Waikato, which Hohaia brought to me to-day.

In consequence of this letter \* \* \* informed us that Rewi and 600 men are about to leave for Taranaki on Monday the 20th. Te Raugitaake is also going. He also told us that the natives had built five pas at or near Tataraimaka, and that he was greatly afraid lest they should succeed in their intended attempt to take the life of Sir George Grey (absit omen). He assured us that the superstitious feelings of the natives have been worked on by some "seers," who foretell that if they can only succeed in shooting the Governor they will be able to drive the Pakeha out of the country, and that it is, therefore, no longer safe for the Governor to travel about, and to mix with the natives as he has been in the habit of doing. Even at Ngaruawahia, \* \* \* says, the Governor would not now be safe, and he thinks that if there had been more people there when he visited the place his life would have been in great danger. \* \* \* was so very earnest in his manner, and repeated his warning with so much emphasis, begging us to write and urge the necessity of great caution, that I feel it my duty, though with great sorrow, to write thus to you. After the conversation had been going on for a long time he said he would send a letter to Sir G. Grey, and accordingly Mr. Fulloon wrote the accompanying letter at \* \* \* dictation in my presence. He said he had promised Sir G. Grey to visit Ngaruawahia, and if he found matters all right there he would return by way of Auckland, if not, he would go back overland as quickly as possible. He leaves Kihikihi to-morrow morning, and as he has a change of horses on the road I have no doubt he will be at Napier in a few days. As soon as he gets there he intends to go and see Mr. McLean.

With regard to our own affairs at this place \* \* \* said that there was no doubt that Mr. Gorst and his family must leave, and that Rewi and his people had an eye to the land at the Awamutu, wishing to regain possession of it. I told him that Mr. Fulloon and I were going to remain here after Mr. Gorst leaves, and he said, If Ngatimaniapoto come to turn us out we must be careful not to offer any opposition or they would be likely to kill us. All this was said in sober earnest, and not with any air of banter, but with an evident regret that such a good work as he had witnessed should be interfered with. \* \* \* assured us that if a single shot is fired at Taranaki we shall all either be driven away or killed. He said that a great deal of harm is done by some of the Pakehas living amongst the Maoris; and he would strongly advise the Governor in the event of war to collect all white men and remove them from the district. We could not find out to whom he alluded, nor do I think he knew the persons by name; but he spoke from what he had heard amongst the natives whom he had visited.

\* The writer here alludes to the Governor having given a fur cloak to the chief Te Heuheu, and to his having told the Governor that he had foreseen in a dream that some serious disaster would happen if the Governor did not give him a similar cloak to that given to Te Heuheu.

† The writer here means to say that the natives will not object to the Governor re-occupying Tataraimaka, that being his own land, but that if he proceeds to commit any action of injustice, or to attempt to seize any of those accused of murder or plundering in the late war, a general rising has been arranged to take place on the part of the natives throughout the island.



There was only one other thing that \* \* said that appears to me of sufficient importance to report, and that he laid great stress upon, viz., that whatever happens the Pakeha should be careful not to fire the first shot.

The natives are fully persuaded that, whoever fires the first shot will be beaten. This being the case, if war there must be, it would be well that the weight of the "Mata" should be on our side.

Perhaps part of \* \* letter to Sir G. Grey may be more easily understood if I tell you that the "Kakahu" he refers to is one which the Governor had, and it answered to the description of what had been seen by a "Matakite" at Napier. The old chief thought it was a bad sign for the Governor that he had not fulfilled the vision of the seer.

I have, &c.  
(Signed) ARTHUR G. PURCHAS.

Enclosure 3 not printed.

Encl. 3 not printed.

Enclosure 4 in No. 4.

Encl. 4 in No. 4.

SIR,

Auckland, April 23, 1863.

ON Friday, April 17th, the printing press and mail box were fetched from Kihikibi. The printing press was very little damaged, one of the cast-iron legs had been snapped, and the natives said that some of the young men had helped themselves to type out of the cases to keep as curiosities.

Te Paea and Patara arrived in the evening, and we had a very long conversation with them. Patara began by referring to a letter of Mr. Morgan, which they had seen in a book among other letters of Missionaries, some of which have been printed in the "Hokioi." This letter stated that a war at Taranaki would be the signal for a general rising throughout the island. Patara said that this was true, and the object of their coming was to warn us, and advise our immediate departure from the district. They did not seem to have any doubt that war would break out at Taranaki after the message Rewi had sent down; they said Rewi had gone to Hangatikei to prepare to lead Ngatimaniapoto down. Te Paea had sent to recal him, but there was no reason to think he would pay more attention to her than he had formerly done to Potatau. Patara said that the coming war would not be like former ones; the young men of the present day would not attend to the words of their chiefs, but would rob and murder as they pleased. No one had authority over them, not even Rewi. They obeyed him so long as his commands pleased them; but he had no power to restrain them from evil. The king had no power at all. We told Patara he was talking like the Pihoihoi. He laughed, and said it was very true. They said they had come out of kindness to us to urge us to leave at once. We had seen how Rewi had treated us in time of peace, and we might judge what he would do in time of war, or rather what the Ngatimaniapotos of Hangatikei would do. It was intimated in very plain language that if a shot was fired at Taranaki all Europeans within reach would be murdered. I asked to whom their warning applied; Te Paea said, to all settlers and missionaries as well as government officers. She said Maoris did not care now to send their children to the mission school, and they thought they could read prayers and preach as well as the missionaries themselves. A good deal of discussion took place as to the mode of removing the property. Te Paea was anxious to get everything off as soon as possible, and promised to get the Rangiaowhia carts to come and help us. She begged that we would not stay on from day to day waiting till bad news came from Taranaki; it would be too late to go then. Ti Oriori was present during the talk, and I understand William Thompson was in the neighbourhood, but kept in the background.

Te Paea has asked to have the Awamutu station given into her hands by Porokom, and has asked Hohaia to remain in it. He is the native teacher whom I had asked to take charge if we had all to leave the place. He says any property left on it will be safe at present, and if times become very bad, she will have it sent down the river.

I have made arrangements for all the Europeans in Government employment to leave the Awamutu at once.

The Hon. Native Minister.

I have, &c.  
(Signed) J. E. GORST.

Patara informed us that the "Hokioi" is suppressed.

Enclosure 5 not printed.

Encl. 5 not printed.

Enclosure 6 in No. 4.

Encl. 6 in No. 4.

TO TAMATI.

Ngaruawahia, April 27, 1863.

GREETINGS to you and your brethren, and your parents, and to the tribe also. This is an imparting of information on my part that you may hear. Perhaps the evil news has reached you of the work of Ngatimaniapoto in their wickedly expelling Mr. Gorst, and their trampling on the words of the king.

This time is an evil season, it is not possible to set things straight. Ngatihaua is the tribe which is leading on the right road, and those tribes which do right are called by Ngatimaniapoto "Queen's men," while those tribes who walk in the ways of evil are called friends of the king. Now at this season very great is the burden of affairs; the words of Potatau have become as nothing; now it is that the words of men of no consequence seem good in their eyes; they think that the king will stand through their deeds; not even one of the words of Potatau has been adhered to by them down to the time of this the second king. They say with regard to the Europeans living in the midst of Maori districts, whether ministers or laymen, if they the Europeans will acknowledge themselves to be under the supremacy of the king they shall be allowed to remain, but if they consider themselves under the supremacy of the Queen they shall be expelled, even though they may be living on their own land. Enough of this.

The Rev. Messrs. Morgan and Reid have returned quietly to Auckland, because there was no respectable behaviour on the part of the tribe. Enough of this.

NEW  
ZEALAND.

Ngatimaniapoto have started to occupy Waitara, Hikaka, Tikaokao, and most of the chiefs of Ngatimaniapoto, in order to expel the soldiers who are guarding Waitara.

Evil will not, I think, break out at Tataraimaka; Waitara is the case where there will be evil ere long. Enough of this.

Rewi and the Urewera requested that consent should be given with regard to Te Ia\* that it should be dealt with by them as they desired, to which we two replied, "We must have a great priest to perform those sacred rites, for there has been a long peace. Pekehawani has lain down; however, wait till he climbs up to us." Te Paea and I have been to Kihikihi.

This is the conclusion.

(Signed) WIREMU PATARA TE MAIOHA.

To Tamati Ngapora.

Encl. 7 in No. 4.

Enclosure 7 in No. 4.

SIR,

Otawhao, April 25, 1863.

UP to a late hour yesterday I intended leaving this place to-day, but in consequence of information received last night, I have decided on remaining at least a few hours longer. I have also kept Mr. James Fulloon, whose services have been of great value to us in this time of trouble and difficulty.

I think you have been informed that an armed party of Ngatimaniapoto left for Taranaki on the 18th. The original intention was that a large body of men should go, but it was at last resolved that only a part of their fighting men should go to Taranaki, and that the rest should be employed elsewhere. Therefore only about 200 men went under the leadership of Takerei of Mokau, Tikaokao, Hikaka, and Te Kaharoa. Their destination is Waitara and not Tataraimaka, the meeting having decided that they would not attack the troops at the latter place, but endeavour to drive out all they found at Waitara. Wi Kingi Te Rangitaake is I believe still at Kihikihi, or in the neighbourhood of that place. He talks of returning to Waitara, and says that if he goes back there will be plenty of fighting.

A great discussion has been going on at Kihikihi between Rewi and his followers together with Reihana on the one side, and Te Paea Potatau and Patara of Ngauawahia on the other. Rewi's side are urgent for an immediate descent upon Te Ia (with the view, I am told, not of attacking the troops, but of making a raid against the settlers), while Te Paea and Patara strenuously oppose the plan. I do not know whether the question is settled or not; but I think it desirable to give you the earliest information in my power of the existence of the project. There appears to be every reason to believe that if Te Paea and Patara succeed in dissuading Rewi and Reihana from trying to carry out their plan, an attack will be made upon Raglan. I heard this positively stated by two or three persons, but do not feel sure about it. As regards the project of sending an "ope" down the river, it is certain that it was the subject of warm discussion up to a late hour yesterday. If Rewi should not succeed in silencing the opposition of Te Paea and Patara, I believe I shall have immediate notice, upon which I shall either ride into Auckland as quickly as possible, or send off a special messenger at once. If, on the other hand, I should find that an attack is to be made upon Raglan, I will use every effort to send word to Major MacGregor.

W. Thompson and Te Oriori have expressed their entire disapprobation of the proceedings of Rewi and his people, and I believe will prevent Ngatihana taking any part in the conflict which appears to be impending.

I would beg to suggest that it is highly desirable that the present disinclination to war on the part of those chiefs and their people should be encouraged as much as possible. From all I can gather, it would not be a very difficult matter just at this moment to detach Ngatihana and a considerable part of Ngatiapakura from those violent men, who according to the openly expressed opinion of the more thoughtful of their neighbours, are bringing ruin and destruction on their people. The Potatau family are also deeply mortified at what has been done and said by Rewi and his companions. Te Paea assured me that she has staid with her brother against her will, and that if the violent men carry the day in their discussion, she will at once quit Waikato and return to Mangere. Nor should I be in any degree surprised if Matutaera were to follow her example. His own near relatives have admitted to me in private conversation that he has no power to restrain the violent men who profess to be his subjects, and the Ngatiapakura people in this immediate neighbourhood do not hesitate to say that they now see that their king is no good, because he has no power to prevent lawless proceedings.

All the Europeans in this district have been warned by their native friends to leave or else they will be compelled to put themselves openly under the protection of the king and to pay tribute. I regret to be obliged to say that it is likely that some of the white men will take the latter course. They say they have only the choice of two evils, of becoming either rebels or beggars.

I would beg to suggest that all the Europeans in these districts should be officially warned of the danger they must incur by remaining amongst the natives in the event of war recommencing, and further, would venture to urge the great desirableness of the Government obtaining possession of the lands at present owned by Europeans here and there in this district, and would especially instance the property of Mr. Heather.

The Hon. the Native Minister.

I have, &c.  
(Signed) ARTHUR G. PURCHAS.

Encl. 8 in No. 4.

Enclosure 8 in No. 4.

SIR,

Auckland, May 2, 1863.

IN my last letter from Otawhao I informed you of the state of affairs in that neighbourhood up to the time of writing; I will now continue the account to the present date.

\* They will not agree to attack Te Ia without the consent of all the people, peace has been made, and the Governor has occupied Te Ia in peace, let us wait till he attacks us.—W.S.B.



Patara and Te Paea remained near Otawhao until Saturday, April 25, when they returned to Ngaruawahia. On their way they spent some hours with me at Otawhao. They had both visited Kihikihi, and had a long talk with Rewi about his proceedings, during which they strongly expressed their disapprobation of the violent conduct of Ngatimaniapoto. Rewi urged them to assent to his proposal, that Mangatawhiri should be handed over to him to do what he liked with; but they stoutly refused, and came away with the belief that Rewi had given up all thought of doing anything in that quarter. In this I afterwards found that they were mistaken. Te Paea told Rewi that the land and premises at Te Awamutu and Te Tomo, as well as the church at the former place, had been intrusted to her, to be safely kept against all intruders until more peaceful times, when they would be re-occupied by the Pakeha. This annoyed Rewi very much, as he and his people had set their hearts on taking possession of the place for themselves. Rewi, however, promised to respect Te Paea's pledge; but he could not bind Reihana, who is, I believe, the head of that portion of Ngatimaniapoto, and I think it still not unlikely that the threat of either occupying or destroying the school premises may yet be carried out. There is no doubt that Te Paea exerted herself to the utmost in endeavouring to restrain the turbulence of Rewi and his people, and I believe her efforts have not been altogether unsuccessful; although the whole of the Potatau family are greatly disgusted at the turn affairs have taken, and particularly at the open defiance of the authority of Matutaera evinced by men who, according to Maori custom, ought to have been his most obedient supporters. I may take this opportunity of stating that several of the immediate relatives of Matutaera, including Te Paea and Patara, admitted to me, without reserve, that their cherished hopes had been grievously disappointed, and that their so-called king had no power to restrain men who were doing evil in his name. It appears to be impossible that the king party should hold together much longer. Te Paea told me that her residence in Waikato was in great measure against her will, that it was a "nohoherehere,"\* that Potatau, her father, had told her to remain at Mangere as long as she lived, and that in consequence of her obedience to his commands she was not even present at his death. She had been almost forced to stay amongst them by the unsettled state of the people, and if she found she could no longer do any good amongst them, and that they continued to disregard her father's dying words to them, "Live in peace with the Pakeha," she had made up her mind to leave Waikato and return to Mangere.

On Sunday night (April 26), Hohaia Nga Hiwi came back from Kihikihi and told me that he had had an interview with Rewi and others of the chiefs, and found that they had not given up their desire to have Te Ia handed over to them. They had resolved to go down to Ngaruawahia to urge three things; viz., first, that they should have charge of Mangatawhiri; secondly, that Matutaera should go to Hangatiki to reside (which would place him completely under the power of Ngatimaniapoto) and thirdly, that all half-caste children in the district should be seized. (The last of these proposals I am sorry to say was partly carried out without asking for anybody's consent; for a few hours before I left the Awamutu two poor girls, one about 17 or 18 and the other about 10 years old, were carried off from the house of one of the men employed at the school. The elder of the two girls was carried off by main force from the house of a settler at Mangere last year, and had come to the Awamutu in the hope of escaping to Auckland.)

Hohaia also told me that although Rewi assented to Te Paea's proposal that he (Hohaia) should be her representative in taking care of the Awamutu, their idea of taking possession of it did not appear to be abandoned, as they talked of coming to plough up the fields next week.

On the following morning (April 27), having taken every precaution in my power for the safety of the school premises, I left the place and started for Auckland in company with Mr. Fulloon and two of the men who had been employed at the school. We spent the night at Ngaruawahia, Matutaera was absent visiting the lower part of the river. We had much conversation with Te Paea, Patara, and Neri, all of whom sorrowfully admitted the failure of the movement, from which they had hoped great things. In the course of conversation Patara said that he was the originator of the idea of sending the Kohoko timber back to the Ia; but that he never expected that any violence would have been used. The notion that the buildings were intended for a barrack for soldiers had been generally believed, and that was the reason why the people were afraid of it. Patara also made a proposal which I think it is my duty to report, although, of course, I gave him no ground whatever to think that it would be assented to. His proposal was to this effect:—That he and some of the Waikato chiefs should go to Taranaki and ask the Governor to agree to the following things, viz.:—

1. That the Governor should purchase Tataraimaka from the settlers and leave it unoccupied for a fixed period, say, three or four years.
2. That Waitara should also remain unoccupied for the same period.
3. That all Government officers and other Europeans should be removed from native districts for the same length of time.
4. That during this final period of probation the Maoris should be entirely left to themselves, and if at the end of the time they should remain unwilling to submit to the law, the Governor should declare a "paeroa" or general war, which would settle the question for ever.

Patara's idea in making the above proposals seemed to be that before the expiration of the time fixed the natives throughout the country would be so thoroughly miserable, for want of the comforts and help they have hitherto enjoyed, that they would be glad to submit to anything in order to recover them. I do not think it my duty to offer any remarks upon Patara's scheme.

On the following morning Te Paea accompanied me down the river. At Kahumatuku Hona expressed great anxiety lest the proceedings of Ngatimaniapoto should lead to war, and begged me to ask the Governor to set apart a place where he and all who did not wish to fight might sit quietly until the war should end. He suggested the land belonging to Ngatitipa in the Lower Waikato as a good place for the purpose. Some of the Ngatiapakura would also be glad to avail themselves of an asylum in the event of war.

\* Living in bondage.

NEW  
ZEALAND.

At Motuterata we found Matutaera, who appeared to be greatly vexed at the proceedings of Maniapoto. He had not heard of their later doings until we arrived. He was particularly offended with their conduct in driving away the ministers and schools, with their talk about the Ia, and with their wish to take him up to Hangatiki. After we left Te Paea told me that Matutaera meant to make one effort more to bring Ngatimaniapoto back to their senses, and if he did not succeed, then "heoiano."\*

Ngatihana were summoned by their own chiefs to assemble this week at Puke-rimu to consider what should be done with Rewi and his followers.

Matutaera's object in returning quickly up the river was to endeavour to stop Mr. Morgan and Mr. Reid, and to persuade them to return. He would also try to revive his father's words which had been trampled on, although it was very evident that he hardly hoped to succeed.

I was shown a letter from Patara to Tamati Ngapora, which gives a very clear view of what the Matutaera party think of Rewi's conduct.

I have, &c.

(Signed) ARTHUR G. PURCHAS.

P.S.—I beg to bring under the notice of the Government the very efficient services rendered by Mr. Jas. Fulloon during the proceedings to which I have referred in my letter.

The Hon. the Native Minister.

(Signed) A. G. P.

No. 5.

No 5.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 48.)

Taranaki, May 13, 1863.

(Received July 16, 1863.)

MY LORD DUKE,

(Answered No. 78, July 25, 1863, page 98.)

I HAVE the honour to state that since I addressed your Grace upon the 10th instant, nothing of any great importance has transpired at this place.

2. The Lieut.-General proceeded this morning to the Waitara to withdraw the detachments quartered there, the local Government having determined that it ought not any longer to hold the land it claimed there. This movement will much consolidate our force, and shorten the line it will be necessary to defend if hostilities on any large scale break out.

3. No intelligence has been received from any other part of the Colony since the murders took place which I have reported to your Grace. It is, therefore, impossible to say what effect these may have upon the Colony at large. I still trust that they may generally meet with the reprobation and detestation they so fully merit. But, however, this may be generally, so far as the tribes to the south between this and Whanganui are concerned, we have intelligence, which I believe to be quite authentic, that large numbers of them are in arms.

4. I am not able to write at length for this letter will be taken by a vessel which has only called here for an hour on her way to Sydney.

I have, &c.

His Grace the Duke of Newcastle, K.G.,

(Signed) G. GREY.

&c.

&c.

&c.

No. 6.

No. 6.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 49.)

Taranaki, May 13, 1863.

(Received July 16, 1863.)

MY LORD DUKE,

(Answered No. 78, July 25, 1863, page 98.)

I HAD just finished my last letter to you when a vessel brought in news from Wellington, the purport of which amounts to this, that at present all the tribes between Whanganui and Wellington disapprove of the murders that have been committed, and are of opinion that no war should have been commenced against the Government; but that all the tribes between Whanganui and this place are pleased that war is likely to be brought on by the murders. That is, the population of about half the southern coast of this island is on our side, whilst the other half is against us; but I fear, if a war takes place, a great many natives will be drawn into it who at present appear to be friendly to us.

I have put up for your Grace a copy of a letter just received from the Superintendent at Wellington, which I think you will find interesting.

I have, &c.

His Grace the Duke of Newcastle, K.G.,

(Signed) G. GREY.

&c.

&c.

&c.

\* That would be all.



Enclosure in No. 6.

Superintendent's Office, Wellington,  
May 11, 1863.NEW  
ZEALAND.

Encl. in No. 6.

SIR,

Your letter of the 4th instant, containing the account of the murderous attack on the military escort at Ohakura, reached me on Thursday morning the 7th. Immediate measures were taken by Mr. Mantell to give the natives the correct version of the affair. The Taranaki natives, on the other hand, lost no time in circulating a statement that there had been a regular fight between themselves and the military, in which they had killed 30 soldiers. This statement was evidently drawn up with the view of concealing the real nature of the transaction and of leading the natives to believe that the attack had been commenced by the soldiers. It is impossible at present to say what effect this news will have on the natives in this province. The reports furnished Mr. Mantell by Messrs. White, Buller, and Tamihana Rauparaha are unsatisfactory. The majority of the bench of magistrates at Whanganui speak more hopefully, expressing their opinion that the natives of the district (with the exception of the Kingites) are peacefully disposed and approve of the Governor taking possession of Tataraimaka. My own impression is, that inasmuch as in almost every runanga that has been held in this province, the natives whether loyal or King's men have declared that Tataraimaka belonged to the Queen, and have deprecated any assistance being afforded to the Taranaki tribes in any attempt they might make to dispute its occupation by the troops; they will repudiate and denounce this treacherous onslaught, and that therefore no apprehension of any immediate outbreak in this province need be entertained. But as soon as hostilities are fairly begun there is no doubt that many will at once join the rebels, and unless some decisive advantage be at once gained by the troops, I fear even friendly tribes will be drawn into the war.

The bench of magistrates at Whanganui agree with Mr. Mantell and myself, that it would be inexpedient just now to call out the militia, but we shall be ready to do so whenever circumstances render it necessary.

The Honourable the Colonial Secretary,  
&c. &c. &c.

I have, &c.  
(Signed) J. E. FEATHERSTONE,  
Superintendent.

No. 7.

No. 7.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 53.)

Taranaki, May 16, 1863.

(Received August 15, 1863.)

(Answered No. 85, August 22, 1863, page 99.)

MY LORD DUKE,

ADVERTING to my Despatch No. 40, of the 26th of April last, upon the subject of a Memorial addressed to Her Majesty by the inhabitants of Taranaki, I have now the honour to transmit that Memorial, which I received yesterday from my responsible advisers, accompanied by a memorandum upon it, dated the 15th of May.

2. I beg particularly to call your Grace's attention to the statement made by my responsible advisers in the memorandum of the 15th instant regarding the circumstances connected with the wreck of the "Lord Worsley" steamer, as this wreck will probably be the subject of future discussion, and it is important that the facts of the way in which the wreck was dealt with by the natives should be fully understood.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Enclosure 1.  
Memorial from  
Inhabitants of  
Taranaki.  
Enclosure 2.  
Mem. from  
Ministers,  
dated May 15,  
1863.

Enclosure 1 in No. 7.

Encl. 1 in No. 7.

TO THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

The Memorial of the undersigned Inhabitants of the Province of Taranaki, in the Colony of New Zealand.

Humbly sheweth,—

THAT the settlement of New Plymouth (now comprised in the province of Taranaki) was founded in the year 1841 by the Plymouth Company of New Zealand on land purchased by the New Zealand Company from the aboriginal natives, and that to this purchase the assent was obtained, not only of those few natives then resident on the spot, but likewise of owners who had fled to distant parts.

That Mr. Spain, the Commissioner appointed by Your Majesty to preside over the New Zealand Land Claims Court, pronounced that the 60,000 acres of country forming the settlement of New Plymouth was fairly purchased by the New Zealand Company.

That the land so purchased was offered for selection, and a considerable portion taken up and cultivated by settlers.

That in the year 1844 Governor FitzRoy, R.N., reversed the Commissioner's award, and gave back the whole of this land to the natives, repurchasing at the same time a small block of 3,500 acres, to which the settlers were confined for upwards of three years.

That since Governor FitzRoy's act few purchases have been effected, the whole in 20 years amounting to no more than 70,000 acres, and excluding the most valuable portion of the original purchase.

NEW  
ZEALAND.

That in or about the year 1854 a league was formed amongst the natives for the purpose of prohibiting, under pain of death, the sale to Your Majesty of any more land within certain defined limits, which include the remaining lands of the province, comprising upwards of two millions of acres. The main and avowed object of this league was to prevent the spread of the European population, which already equalled in numbers the native population of the province. In accordance with this determination of the league, Rawiri Waiana, a native magistrate, and several followers were shot down whilst pointing out the boundaries of a block of land they had offered to the Government.

That feuds, in which many lives were lost, ensued on the death of the assessor Rawiri, and that these feuds were carried on within the limits of the settlement without any attempt on the part of the authorities to bring the offenders to justice, the natives being in a state of complete anarchy.

That in the year 1856 several tribes combined to form a kingdom, and shortly after elected a king from amongst themselves.

That, in March 1859 a small block of land on the River Waitara was publicly offered for sale to Colonel Gore Browne, C.B., Governor of New Zealand, and that the offer was accepted by his Excellency subject to the condition that the seller's claim to ownership was undisputed.

That on the occasion referred to, Wiremu Kingi, a chief of the Ngatiawa tribe, without claiming any proprietary right or disputing the seller's title, forbade the sale, declaring that he would never allow the land to be sold.

That the investigation into the title to the land continued for the space of nine months; that Wiremu Kingi continued to forbid the sale, though admitting the title of Teira and the other sellers to the land, and that ultimately the purchase was effected.

That in the first instance a portion of the Ngatiawa, headed by Wiremu Kingi, and afterwards other tribes, resisted the occupation of the purchased land by force of arms, some of them fighting with the avowed object of exterminating the white population of Taranaki.

That the war which resulted from the purchase at the Waitara was clearly and avowedly a resistance against the supreme authority of Your Majesty, and that in the opinion of Your memorialists the condition of the native race was at that time such, that a struggle must have occurred whenever any attempt was made to maintain that authority in opposition to the will of the section of the natives by whom it was not acknowledged.

That the settlers of Taranaki have not shrunk from the dangers and hardships of that war, but that for nearly two years almost all the able-bodied male population were under arms and on actual service.

That the settlers have suffered the ordinary calamities of war; some have been killed in the field, and many have died from disease brought on by the war (the mortality suddenly increasing to many times its usual average), and that some have been barbarously murdered by the natives in cold blood.

That Your memorialists have sustained heavy losses of property, their farms being laid waste, their houses burned, and their flocks and herds killed or driven off by the rebel natives.

That not only were the settlers not allowed to defend their property, but they were positively forbidden to do so by the military authorities, and that in some instances they were compelled to be passive spectators whilst their houses were being burnt and their flocks and herds driven off.

That their losses were aggravated by a military proclamation forbidding the export of articles of food, whereby their principal trade was stopped, and thus valuable property fell into the hands of the rebels, which might otherwise have been placed beyond the reach of danger.

That the industry of the settlement has been paralyzed, the value of the exports of the past year having fallen off to less than one-sixth of that of the year which preceded the war, whilst the value of the imports is largely increased by the necessity that exists for importing the immediate necessities of life, which in ordinary times were produced in excess of the consumption.

That the liberal sum voted by the Colonial Legislature as compensation will very inadequately reimburse the settlers for the losses sustained through their long continued absence from their farms.

That Your memorialists have waited patiently in the hope that the authority of Your Majesty would be asserted, and they have been encouraged to entertain this hope by a Despatch of Your Majesty's Secretary of State for the Colonies to his Excellency Sir George Grey, dated 22nd September 1861, in which great stress is laid on the necessity of maintaining Your Majesty's supremacy. At the end of three years, however, Your memorialists see no reasonable prospect of the immediate fulfilment of that hope.

That the wrongs of Your memorialists are not being yet redressed, the plunder still remaining in the hands of the natives, and no serious efforts having been made to bring the murderers to justice.

That the so-called Maori king, although possessing little real power to enforce law and maintain order, affects to exercise the functions of an independent monarch; and that in his name soldiers are trained, a revenue levied, cases tried at indiscriminate meetings of natives, the authority of Your Majesty's Courts repudiated, and an asylum afforded to malefactors guilty of crimes committed on territory purchased by Your Majesty.

That old mail roads are closed against the transit of Your Majesty's mails, and against the passage of Your subjects, and that on the occasion of the wreck of the mail steamer "Lord Worsley," within 40 miles of New Plymouth, the natives pillaged the vessel, seized one of the mail boxes, and forbade succour from being sent from New Plymouth to the relief of the passengers and crew.

That a portion of the territory which has been purchased from the natives is held by some of Your memorialists under grants from the Crown, and was occupied and cultivated by them at the commencement of the war, is now claimed by the natives as conquered land, the owners of it being prohibited by them from re-occupying, except on condition of becoming subjects of the so-called Maori king, and being at the same time prohibited by Your Majesty's representative from exercising any right of ownership over it, with the view of avoiding a renewal of hostilities.

That not only are Your memorialists prohibited from occupying their own lands as above stated, but Your Majesty's representative is forbidden under a threat of immediate renewal of hostilities to construct roads over lands long since ceded to the Crown, on the ground that those lands have been re-conquered.



That after the lapse of nearly two years from the cessation of hostilities, the settlers are still crowded together in the town of New Plymouth, depending in a great measure for subsistence on rations issued by the Colonial Government, whilst the natives who have been in arms against Your Majesty are not only unpunished, but are allowed all the advantages of free intercourse with the settlement.

That as the events recorded in this memorial have occurred, and Your memorialists have been reduced to their present condition, during a period in which the entire control of native affairs has been in the hands of Your Majesty's officers, Your memorialists lay before Your Majesty this statement in full confidence that when their unfortunate condition is known and fully considered, Your Majesty will not allow it to be indefinitely prolonged.

Your memorialists therefore pray that Your Majesty may be graciously pleased to cause such steps to be taken as may seem meet for redressing the wrongs under which they suffer.

And Your Majesty's memorialists as in duty bound will ever pray.

(Signed)

CHARLES BROWN, Superintendent.

WM. K. CROMPTON, Speaker, Provincial Council.

WILLIAM NORTHCROFT, Provincial Secretary.

H. R. RICHMOND, Provincial Treasurer.

W. HALSE, Provincial Attorney.

And by 369 others.

Enclosure 2 in No. 7.

Encl. 2 in No. 7.

#### MEMORANDUM for the GOVERNOR.

THIS memorial was laid before his Excellency some time back, but it appeared unadvisable to send it at once to England while measures were just commencing (such as taking possession of the Tataraimaka block, &c.), which promised to alter the whole circumstances of the province almost immediately, and to furnish the best answer that could be given to memorialists.

Several circumstances connected with the past history of the province shown in this memorial are either incorrect or at least very disputable. But all the occurrences related have been so much discussed in various ways, and on many occasions in the most public way, that it seems waste of time to reopen the discussion on the present occasion.

Memorialists assume that the 200,000*l.* was liberally voted by the Colonial Legislature for compensation "for losses." The House of Representatives did not unequivocally vote the sum for this purpose. The Act appropriating it defines it to be for "the execution of such measures as the Governor, acting with the advice of his Executive Council, may adopt for the permanent reinstatement of the settlement and inhabitants of Taranaki," words which the Attorney-General declares did not, in his opinion, sanction the application of any of the money to mere compensation for losses. As, however, a difference of opinion undeniably existed among members of the Legislature on this subject, and the two objects, viz., that of reinstating the settlement and settlers, and compensating the latter, seemed to be compatible, an arrangement was entered into (proposed by his Excellency) that 120,000*l.*, inclusive of sums already given in compensation, should be devoted out of the 200,000*l.* to this purpose, and the remainder, 80,000*l.*, be considered applicable to other purposes of reinstatement, while the province should be authorized to raise a loan of 50,000*l.* to pay the balance of compensation awarded, which could not be met by the 120,000*l.* This arrangement was consented to by the Government and the province, and the Provincial Act passed and assented to by the Governor.

At the time of this arrangement there appeared every prospect that the settlers to whom the money was to be paid, would be able peaceably to reoccupy their farms, and that, in the very great number of instances, the money would thus be spent on their farms, and for "the reinstatement of the settlement."

But recent events have forced the settlers to come in again, and removed altogether the immediate prospect of their being able to apply the money in the way just stated.

I append a Minute by the Native Minister on two other statements of the memorialists relating to the wreck of the "Lord Worsley," and the assumed prohibition of the "Queen's representative to make roads over lands ceded to the Crown."

In spite of these disputable or objectionable points, it is undeniable that the case of the Taranaki settlers is a peculiarly hard one. But the Government has used every effort and taken every means in its power to remedy the evils they are suffering under, consistently with what is due to the inhabitants of the rest of the northern island and of the Colony, and to the paramount obligation to settle the difficulties of the province by pacific measures if possible.

May 15, 1863.

(Signed) ALFRED DOMETT.

#### Minute by the Native Minister on the Memorial.

(2.) "On the occasion of the wreck of the 'Lord Worsley' the natives pillaged the vessel."

The vessel was given to the natives by Captain Vine Hall, agent of the Intercolonial Steam Company, to which she belonged. In the reports made of the transaction by Mr. R. Graham and Captain Butler, members of the House of Representatives, and officially transmitted to the Government by the Superintendent of Taranaki, the following accounts are given:—

In Captain Butler's statement,—

"At 9 a.m. on the 2nd of September, Captain Vine Hall, Mr. Graham, M.H.R., Captain Bowden, Wiremu Kingi Matakatea, Arama Karaka, and myself proceeded on board the wreck. When we arrived on board we went into the saloon, and with closed doors the following terms were agreed to:—

"1. That W. Kingi and Arama Karaka should do their best to forward the passengers, crew, and luggage to town, either by land or water, and that the Captain should take what things he required out of the wreck, especially the compasses, and the remainder should be left to W. Kingi and A. Karaka."

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NEW  
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Again:—"Erueti then asked if it was correct what he had said, especially about giving W. Kingi the wreck; and being answered in the affirmative, he said, 'Let us be off,' and at once the ladies' carts started, closely followed by the luggage."

In Mr. Graham's statement:—

"Captain Hall, therefore, requested us to explain to the natives that in the event of their using their best endeavours in assisting us to get to New Plymouth with our luggage, the vessel would be left for them after the Captain removed some of the most valuable articles, which was explained would not be much."

Again:—"Erueti addressed the crowd, he made a long speech and finished that the ship and all on board was for W. Kingi, that all luggage on shore was for the Europeans; and asked what I had to say. I stated that there was still luggage on board belonging to the passengers, let that be for the passengers; the sacred box (gold), let it remain so until the Captain comes with his key. You have treated us well so far, continue to keep a good name. The Governor shall hear of your kindness to us, every thing will be published in the newspapers. Do not let it be said that in our absence you break your word; do not let any one say of you that you take anything that is not your own. We leave the wreck for you, we will not return to take it away. The timber will be yours, the coals will be yours, and many things on board of great value. They were satisfied, we packed the mail in the cart, and all the Europeans left except Captain Hall and myself."

In a Minute on these papers the Colonial Secretary said:—

"It appears from this,—1. That Messrs. Butler and Graham had the authority of Captain Vine Hall to make the best arrangements they could to get the passengers and crew to New Plymouth.

"2. That they gave up the wreck and cargo to W. Kingi and Arama Karaka, on condition they should do their best to forward passengers, crew, and luggage to New Plymouth; the Captain taking out, besides, what he wanted.

"3. That W. Kingi and Arama Karaka performed their part of the bargain to the best of their ability, and that the King natives assented to the arrangement, taking only their 'tolls' at the gate.

"Mr. Graham's report confirms these points, especially as to Captain Hall's authorizing the giving away of the wreck and 'many things on board of great value.' Wiremu Kingi seems to have been tempted to break his agreement by the chance of getting the box of gold, but gave it up. Erueti seems throughout to have behaved in an honourable manner.

(Signed) A.D."

On the 25th September, the Superintendent of Taranaki reported that, "in fulfilment of the promise to Wiremu Kingi and Arama Karaka that they should have the wreck and cargo, if the mails, luggage, compasses, &c., were secured for the owners, Captain Butler and Mr. Graham asked Captain Stapp to bid for them at Lloyd's sale, and purchased the wreck and cargo for about 280/. In the afternoon the news received made it evident that the natives would not strictly carry out their part of the agreement, I therefore took the purchase out of their hands with the funds of the general Government at my disposal."

May 15, 1863.

(Signed) F. D. BELL.

No. 8.

No. 8.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 56.)

Taranaki, May 27, 1863.

(Received August 15, 1863.)

MY LORD DUKE,

(Answered No. 88, August 25, 1863, page 100.)

I HAVE the honour to transmit for your Grace's information a copy of a Proclamation declaring that the Government would not proceed further with the negotiation for a block of land at the Waitara, which had been commenced about three years since.

2. Your Grace will observe that this Proclamation was issued upon the 11th, although the terrible murders I have already reported took place upon the 4th instant. But the Waitara lies to the north of New Plymouth, whilst the tribes who committed the murders live to the south of this place, and are of a different tribe to the Waitara people. And as the Waitara question was one to which all the natives of New Zealand were looking, I did not think it became a powerful Government like that of Great Britain to appear to be deterred by a few murderers from calmly and steadily pursuing a course which the officers acting here felt that justice and right imperatively pointed out as that which should be adopted. The Proclamation was therefore issued. It was presented to me by my responsible advisers in its present form, with a recommendation that I should sign it in that shape, and I thought it right to comply with their wishes.

I have, &c.

His Grace the Duke of Newcastle, K.G.,

(Signed) G. GREY.

&c.

&c.

&c.



Enclosure in No. 8.

## A PROCLAMATION DECLARING THE ABANDONMENT OF THE WAITARA PURCHASE.

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Encl. in No. 8.

By his Excellency Sir GEORGE GREY, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS an engagement for the purchase of a certain tract of land at the Waitara, commonly known as Teira's block, was entered into by the Government of New Zealand in the year One thousand eight hundred and fifty-nine, but the said purchase has never been completed:

And whereas circumstances connected with the said purchase unknown to the Government at the time of the sale of the said land have lately transpired, which make it advisable that the said purchase should not be further proceeded with:

Now therefore the Governor, with the advice and consent of the Executive Council, doth hereby declare that the purchase of the said block of land is abandoned, and all claim to the same on the part of the Government is henceforth renounced.

Given under my hand at New Plymouth, and issued under the Seal of the Colony of New Zealand, this eleventh day of May, in the year of our Lord One thousand eight hundred and sixty-three.

By His Excellency's command,  
Alfred Domett.

God save the Queen!

G. GREY.

No. 9.

No. 9.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 60.)

Government House, Auckland, June 8, 1863.

(Received August 15, 1863.)

(Answered, No. 86, August 23, 1863, page 99.)

5 June,  
1863.

MY LORD DUKE,

I HAVE the honour to enclose a short statement of a sharp encounter with the natives near Taranaki on the 4th instant.

2. I was obliged to leave New Plymouth the same day this action took place; Lieutenant-General Cameron had not therefore time to make a public report of it, but he will send one from New Plymouth to the Secretary of State for War by this mail, and I will transmit his report to your Grace by the next mail.

3. Lieutenant-General Cameron managed the affair capitally, and the conduct of our officers and men was gallant in the extreme. The natives occupied a very strong position, from which they were driven with heavy loss. I never saw such a rout before; they ran for miles; our loss was one private killed, two mortally wounded, and three severely wounded.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Enclosure in No. 9.

Encl. in No. 9.

Colonial Secretary's Office, Auckland, June 5, 1863.

HIS Excellency the Governor directs it to be notified that Lieutenant-General Cameron, C.B., left the town of New Plymouth at 9 p.m. on the 3rd instant, accompanied by a military force, and arrived at Tataraimaka at 4 a.m. yesterday morning (the 4th instant). The force under his command at that point being made up of the head-quarters companies of the 57th and 70th regiments, of a detachment of the 65th regiment, of three Armstrong guns, and the greater part of Capt. Mercer's battery, and of a small detachment of the Royal Engineers; the force being in all about 650 strong.

The attack commenced at 6 $\frac{3}{4}$  a.m. yesterday morning. The force crossed the Katikara river and attacked the enemy's position on the left bank of that stream, which it carried, totally routing the enemy, who fled in confusion, leaving 22 of his dead on one part of the field.

The Lieutenant-General states that Colonel Warre, C.B., and the 57th regiment under his command, availed themselves of an opportunity afforded them by carrying with the greatest gallantry a redoubt of the enemy where the principal fighting took place.

The loss on our side was one private killed and two mortally and two severely wounded of the 57th regiment, and one private severely wounded of the 70th regiment.

H.M.S. "Eclipse," under the command of Captain Mayne, R.N., sailed from New Plymouth at 4 a.m. yesterday morning, and arrived off the Katikara river at the hour arranged with the Lieutenant-General, so as to co-operate most usefully with the military force from the commencement of the attack by shelling the enemy's works.

The Lieutenant-General and part of the force returned in H.M.S. "Eclipse" to New Plymouth the same morning, reaching that place at 1 p.m. The remainder of the force marched back to town.

By his Excellency's command,

ALFRED DOMETT.

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No. 10.

No. 10. COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 66.)

Government House, Auckland, July 3, 1863.

MY LORD DUKE,

(Received Sept. 14, 1863.)

\*Page 27.

ADVERTING to my Despatch to your Grace,\* No. 60, of the 8th of June, enclosing a short account of the action on the Katikara on the 4th ult., I have now the honour to transmit the official Despatch from Lieut.-General Cameron in relation to this subject, from which your Grace will learn with pleasure how complete the Lieut.-General's arrangements were, how gallant the conduct of Her Majesty's forces was, and what an entire success they obtained. I am happy to say that the result of this affair has been in every way satisfactory, and has produced a very decided impression on the whole native race.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

(Signed) G. GREY.

Encl. in No. 10.

Enclosure in No. 10.

## DESPATCH from OFFICER COMMANDING THE TROOPS at NEW PLYMOUTH.

Colonial Secretary's Office, Auckland, June 15, 1863.

HIS Excellency the Governor has been pleased to direct the following Despatch, with its enclosures, from the Lieut.-General commanding at New Plymouth, to be published for general information.

ALFRED DOMETT.

SIR,

Head Quarters, New Plymouth, June 9, 1863.

I HAVE the honour to report, for the information of your Excellency, that the rebel natives having collected in considerable numbers, reported to be 600, about 15 miles from New Plymouth on the left bank of the Katikara river, which forms the boundary of the European land in that direction, and runs within a few hundred yards of St. George's Redoubt on the Tataraimaka block, I decided upon crossing the river and attacking their position, as it appeared likely from the care with which they had fortified it that they intended to make a stand, and that a favourable opportunity would thus be afforded of striking a decisive blow.

I accordingly marched out of New Plymouth at 9 o'clock on the night of the 3rd instant, with nearly the whole of the regular troops forming the garrison of the town, and proceeded towards the Katikara river. In order that the march might not be impeded, the guns, mortars, and reserve ammunition had been sent on a few hours before, under a strong escort, and no tents or baggage of any kind were allowed to accompany the column. The officers and men carried each a blanket, and a day's provisions cooked. The column having been joined on the line of march by detachments of the 57th regiment from the outposts, arrived at St. George's Redoubt a little before 4 o'clock on the morning of the 4th instant. The strength and composition of the force thus assembled, including the garrison of the redoubt, are shown in the margin.

| Distribution.             | Field Officers. | Cpts. | Subalterns | Staff. | Sertjs. | Drummers. | Rank and File. |
|---------------------------|-----------------|-------|------------|--------|---------|-----------|----------------|
| General Staff ... ..      | 5               | ...   | ...        | ...    | 1       | ...       | ...            |
| Medical Staff ... ..      | ...             | ...   | ...        | 2      | ...     | ...       | ...            |
| Commissariat Staff ... .. | ...             | ...   | ...        | 1      | ...     | ...       | ...            |
| Royal Artillery ... ..    | ...             | 1     | 3          | ...    | 6       | 2         | 113            |
| Royal Engineers ... ..    | ...             | ...   | 2          | ...    | ...     | ...       | 13             |
| 40th Regiment ... ..      | ...             | ...   | ...        | ...    | ...     | ...       | 1              |
| 57th Regiment ... ..      | 2               | 3     | 8          | 3      | 18      | 9         | 353            |
| 65th Regiment ... ..      | ...             | 1     | 2          | ...    | 4       | 1         | 77             |
| 70th Regiment ... ..      | 1               | 3     | 6          | 1      | 12      | 3         | 209            |
| Transport Corps ... ..    | ...             | 1     | ...        | ...    | 1       | ...       | 5              |
| Totals ... ..             | 8               | 9     | 21         | 7      | 42      | 15        | 771            |

Before leaving New Plymouth I had arranged with Capt. Mayne, R.N., that H.M.S. "Eclipse" should be at the mouth of the Katikara river before daybreak, ready to co-operate in the attack.

I had found it very difficult to obtain accurate information regarding the points where the river could be most easily crossed, and it was also impossible by observation from St. George's Redoubt to ascertain the exact nature of the enemy's defences. The left bank of the river was about 60 or 70 feet high, everywhere very steep, and in some places covered with high fern. The main road leading from



St. George's Redoubt across the mouth of the river to the left of the enemy's position was known to be strongly defended by a line of rifle pits half-way up the left bank of the river, and as this road passed through a large patch of flax bushes when it reached the table land, it appeared difficult to force the position at that point.

I was informed by Mr. Bayley, a New Plymouth settler, that about 600 yards above the ford at the mouth of the river there was another ford, and a track by which the left bank could be easily ascended. Higher up the river, on a commanding point about 600 yards to our left of this ford, and 400 yards from the bank of the river, the enemy had enclosed some *wharres* with a kind of redoubt, consisting of a parapet and rifle pits, which appeared to be his principal work; and between this and the main road the position was defended at various points by lines of rifle pits. A prisoner, captured a few days before, had reported that a kainga or village, about a mile down the coast, was also entrenched.

The plan of attack which I considered best adapted to this state of things was to pass the 57th regiment across the river under cover of the guns at the last-mentioned ford, to detach the two leading parties of the "advance," as soon as they reached the top of the bank, to turn the rifle pits and flax bushes at the road. The third party of the "advance" to extend to its front to protect this movement; and the main body of the regiment to show a front to the left towards the redoubt, so as to keep the enemy in check. The remainder of the force (with the guns and mortars, if necessary) to cross the mouth of the river as soon as the defences of the road were turned, and to advance to support the main body of the 57th in the attack of the redoubt, and afterwards of the kainga.

These arrangements were successfully carried out. Soon after daybreak, having given all the instructions necessary to Colonel Warre, C.B., of the 57th regiment, and the officers commanding the three parties of the "advance," as well as to Captain Mercer, Royal Artillery, I directed Colonel Warre to move the 57th up the river, and to place it opposite the ford by which it was to cross. Captain Mercer followed with the three Armstrong guns, which he placed in position a little to the right of the 57th regiment. I posted the detachment 65th and 70th regiments, under the command of Major Mulock, in rear of St. George's Redoubt, ready to cross the river at any point when ordered. The 70th threw out a line of skirmishers to the edge of the bank of the river, to check any attempt the enemy might make to interfere with the passage. The "Eclipse" stationed herself as close to the mouth of the river as her draught of water would permit.

At a quarter before 7 o'clock, everything being ready, and the preconcerted signal having been given, Captain Mercer's half battery, and the "Eclipse" opened fire upon the enemy's position, throwing shell with great precision and effect into his principal work. After a few rounds the 57th crossed the river and ascending the left bank with some difficulty gained the plateau without opposition; the two leading parties then wheeled quickly to the right, without replying to the musketry fire opened upon them from the rifle pits in every part of the enemy's position, and under the immediate direction of Colonel Warre, moved rapidly to the rear of the rifle pits and flax bushes on the road, which the enemy hastily abandoned, retreating in the greatest confusion towards the kainga, closely pursued by the two parties. When I perceived these parties turning the defences of the road, I moved the 65th and 70th across the mouth of the river, ascended the left bank without opposition, and pushed them on towards the redoubt, which from the heavy musketry fire and cheering of the 57th I inferred was being attacked by that regiment. The third party of the "advance," and the main body of the 57th, commanded (in the absence of Colonel Warre, who was with the two leading parties) by Brevet Lieut.-Colonel Logan, had after crossing the river obeyed the instructions they had received, but after replying for some time to a sharp musketry fire opened upon them from the redoubt and rifle pits near it, they assaulted the work with the bayonet, and entering it with a rush, shot down or bayoneted all who remained inside to defend it. I had the satisfaction of witnessing the gallantry of the 57th at this point, and the desperate resistance made by the enemy in their rifle pits. Major Mulock's column arrived at the spot before the contest was terminated, but their assistance was not required, and I moved them towards the kainga to support the two leading parties of the "advance," who were met returning after burning all the *wharres* of the kainga, which had not been entrenched as reported. The enemy had now been driven from every part of his position, and was seen from the "Eclipse" in precipitate flight down the coast, which afforded her an opportunity of throwing a few shells among them.

Knowing that it was hopeless to attempt to overtake any of them, and being desirous that the troops should return to New Plymouth before dark, I withdrew them from the left bank of the Katikara and ordered them to march back to the town, after a short rest. They reached New Plymouth about 5 p.m., and in the 20 hours of their absence, had made a night march of 15 miles, had taken part in an action with the enemy, and had marched back the same distance without a straggler, although many had been on duty the previous night.

Our loss in this engagement was small, as will be seen in the return of the casualties herewith enclosed. Twenty-eight of the enemy were found dead inside the redoubt, and one on the road leading to the kainga, but it is probable that there were many more killed and wounded.

There can be no doubt that the enemy was taken completely by surprise, all the preparations for the march having been kept secret, and he was thrown into confusion by the suddenness and rapidity of the attack.

I cannot speak too highly of the conduct of all the officers and men present in this engagement, or of the conspicuous gallantry displayed by the 57th, on whom the brunt of the action fell. The movements of this regiment were most ably directed by Colonel Warre, whose zeal and activity throughout the action I have had the pleasure of bringing under the favourable notice of the Secretary of State for War, and of the Field Marshal Commanding-in-Chief.

I have also drawn attention to the gallant and meritorious conduct of the officers mentioned in Colonel Warre's clear and interesting report, a copy of which is enclosed, particularly that of Brevet Lieut.-Col. Logan, who commanded at the attack of the redoubt, of Capt. Shortt, and the officers commanding the three parties of the advance, viz., Lieuts. Brutton and Waller, and Ensign Duncan.

I have also made favourable mention in my Despatch to the Secretary of State for War, of the services of Capt. Mercer, Royal Artillery, whose excellent practice with his Armstrong guns contributed materially to the success of the day; and I have acknowledged myself much indebted for the

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assistance afforded me in the field, as in all the previous arrangements, by the officers of the General Staff and of my personal Staff, viz., Lieut.-Colonel Gamble, Deputy Quartermaster General; Deputy Inspector-General of Hospitals, Mouat, C.B.; Lieut.-Col. Hutchins, Assistant Military Secretary; Major McNeill, A.D.C.; Brevet Major Paul, Major of Brigade, and my extra Aide-de-camp, Capt. Gorton, 57th Regiment.

Your Excellency having been on board H.M.S. "Eclipse," had an opportunity of witnessing the effective fire of her heavy guns in aid of the attack of the troops, and how much indebted I am to Captain Mayne, R.N., for his valuable co-operation.

I cannot refrain from mentioning Major Whitmore, my former Assistant Military Secretary, who retired not long ago to settle in this colony, and who, happening to arrive at New Plymouth the day before the engagement, insisted on accompanying me into the field. I beg to express an earnest hope that the valuable services of the civilians, honourably mentioned by Colonel Warre in his report, may be rewarded as they deserve by the Colonial Government.

I have, &c.  
(Signed) D. A. CAMERON, Lieut.-General.

Sir George Grey, K.C.B., &c. &c. &c.

NOMINAL RETURN of KILLED and WOUNDED of the 57th and 70th Regiment, at "KATIKARA," on the 4th June 1863.

| No. | Name.             | Regiment. | Nature of Injury. | Result.     |
|-----|-------------------|-----------|-------------------|-------------|
| 1   | Private E. Martin | 57th      | - - -             | Killed.     |
| 2   | " H. Shipman      | "         | Mortally wounded. | Since dead. |
| 3   | " J. Osborne      | "         | Do.               | Do.         |
| 4   | " P. Flaherty     | "         | Severely wounded. |             |
| 5   | " J. Evans        | "         | Do.               |             |
| 6   | " J. Morton       | "         | Do.               |             |
| 7   | " B. Stagpool     | "         | Do.               |             |
| 8   | " M. Fox          | "         | Slightly.         |             |
| 9   | " J. Deegan       | "         | Do.               |             |
| 10  | " D. Hurley       | "         | Do.               |             |
| 11  | " W. Wallace      | 70th      | Severely.         |             |

JAMES PAUL, Major of Brigade.

SIR,

St. Patrick's Redoubt, Poutoko, June 4, 1863.

I HAVE the honour to report that, in compliance with the instructions received from the Lieut.-General Commanding, I proceeded this morning with the regiment, strength as shown in the margin,\* from St. George's Redoubt at Tataraimaka, to attack the fortified posts of the rebel Maories on the opposite bank of the Katikara river.

Under cover of three guns (Armstrong's) of Captain Mercer's battery of the Royal Artillery, three divisions of selected men, under the command of Lieuts. Brutton and Waller, and Ensign Duncan, were pushed forward, and crossed a broad and very entangled gully, through which the Katikara runs, and ascended the opposite bank, reforming on the crest of the hill, which they were enabled to gain without opposition, owing to the admirable manner in which Captain Mercer's guns were served, and the precision of their fire.

H.M.S. "Eclipse," having on board his Excellency the Governor Sir G. Grey, also did good service by the fire of Armstrong shells at the rebel *wharres*, over the heads of the advancing parties. The support of four companies (200 rank and file), under command of Major and Brevet Lieut.-Colonel Logan, followed closely on the attacking parties by the same route.

The enemy opened fire on the "advance" directly they appeared on the level ground; but, instead of replying to this fire, the parties under Lieuts. Brutton and Waller wheeled to the right and extending as far as practicable, pushed across the level ground covered with fern, in many places almost impassable, towards the old pah on the crest of the rising ground, on the left of the mouth of the river, as previously arranged, so as to turn the rifle pits in that position, and open the road leading over the ford at the river's mouth. Although opposed by a considerable number of Maories, these two parties succeeded in driving the rebels from their position, opening the road, and following the natives a distance of upwards of one mile down the coast, inflicting loss upon the enemy, and destroying many of their *wharres*. Meanwhile Ensign Duncan had wheeled his party to the left, as also arranged, and supported by the main body under Lieut.-Col. Logan, pushed on towards a very strongly entrenched position on the summit of a rising ground, about 600 yards to the left of where the parties had crossed the river.

The enemy opened fire from a great number of rifle pits, constructed on every commanding point, and from the continuous and double chain of pits surrounding the *wharre* it was our object to destroy.

Nothing daunted by the serious opposition and the heavy fire of the enemy, Ensign Duncan pushed steadily forward, closely followed by the divisions under Captains Shortt and Russell under the immediate command of Lieut.-Colonel Logan, and supported by Captain Woodall and Lieut. Thompson, with the two remaining divisions into which the force was divided. For a few minutes the fire was returned, but finding it of no avail against an almost invisible enemy concealed in rifle pits, the whole rushed forwards, and vied with each other in entering the position, jumping over the rifle pits, from which they met with a most determined opposition. The Maories fighting desperately to the last, a hand to hand combat ensued, which was only terminated by the *wharres* catching fire, and burning many of the Maori defenders in the ruins. Twenty-one Maories were taken out of the rifle pits killed, three

\* 57th Regiment: Field Officers, 2; Captains, 3; Subalterns, 8; Staff, 3; Serjeants, 18; Drummers, 9; Rank and file, 353. 70th Regiment: Serjeants, 1; Rank and file, 9. Totals—Field Officers, 2; Captains, 3; Subalterns, 8; Staff, 3; Serjeants, 19; Drummers, 9; Rank and file, 362.



are known to have been burned in the smaller *wharre*, and four in the larger, and it is believed that several others perished in the flames, which, with the stench arising from the consuming flesh, prevented accurate information being obtained. One Maori was picked up dead on the road, and many more, wounded, escaped and were seen to take refuge, and hide themselves in the fern and bush. Thus in the short space of one hour 22 Maories killed, were brought away in carts, as many more were wounded, and destroyed in the burning *wharres*, and a complete victory gained over a savage enemy by the bayonet alone, not over five rounds of ammunition per man having been expended in the encounter.

I have to report the loss of one man killed (private E. Martin, No. 11).

Two men seriously, I fear, dangerously wounded (private H. Shipman, 568, and private J. Osborne, 2063), and seven men otherwise slightly wounded (privates D. Hurley, J. Deegan, J. Evans, J. Morton, P. Flaherty, B. Stagpool, and M. Fox), in all one man killed and nine wounded.

The enemy was evidently completely surprised, and were so confused by the admirable manner in which Captain Mercer's Armstrong guns were served, that the fire from the rifle pits was very wild, and it was only at the assault when the enemy were speedily overpowered by numbers that the serious casualties occurred.

It is impossible to speak in terms of too high praise of the admirable behaviour of the officers, non-commissioned officers, and men of the 57th regt. engaged. The Lieut.-General was himself an eye-witness of the rapid and regular manner in which each party performed the duties allotted to it. I may therefore be pardoned from further allusions to the successful result of these operations in which I naturally, on account of the officers and men engaged, feel such pride, but I trust I may be permitted to bring the names of the following officers and men to the notice of the Lieut.-General Commanding, viz., Major and Brevet-Lieut.-Colonel Logan, Captains Shortt and Russell, Lieuts. Brutton and Waller, and Ensigns Duncan and Douglas. I fear in naming the above I may be, inadvertently, doing injustice to others, as it appears difficult to determine whether Captain Shortt or Ensign Duncan was first to jump into the redoubt, and they were closely followed by privates (2700) J. Donaghy and (2189) B. Stagpool, and by the other officers and men. To Lieut. and Adjutant C. M. Clarke I have to offer my best thanks for his untiring zeal and energy (for a considerable time on foot, his horse having got away in crossing the ford and gully), and I cannot refrain from bringing to the Lieutenant-General's notice the names of three civilians, Ensign Mace, Taranaki Militia, who volunteered his services, and lent me his horse when mine got away in crossing the gully, thereby enabling me to direct a considerable portion of the operations which I could not have done on foot. Mr. R. Parris, Assistant Native Secretary, accompanied the "advance" parties across the ravine and the Katikara river, and remained with me during the day. The other civilian is Mr. Arthur Bayley, on whose land the redoubt now occupied by a portion of the regiment under my command is built.

Mr. Bayley's knowledge of the locality enabled Lieutenants Brutton and Thompson on the 18th inst. to cut off a party of Maories, killing two and wounding several others. He led the advanced parties across the gullies this morning, and behaved very gallantly.

I also beg to bring to the Lieutenant-General's notice Quartermaster Martindale, who is always ready to accompany the troops into the field, and to whom is due the direction of the transport, and carrying out the details of the Quartermaster-General's directions regarding the conveyance of ammunition and stores to St. George's Redoubt earlier in the night.

Serjeant Cleary and nine men of the 70th regt. were attached to Ensign Duncan's party of Volunteers and rendered good service. One of this party was wounded in the attack on the entrenched *wharre* (private W. Wallace, 70th regt., 3517).

Apologising for the length of this report, which the detail renders necessary,

I have, &c.

(Signed) HENRY J. WARRE,  
Colonel Commanding 57th Regt. and outposts.

As I consider Mr. Mace's conduct deserves special notice, I beg to state that he has lately been in charge of the Mounted Orderlies, is an ensign in the Taranaki Militia, and has frequently been of great service to me since I have been in command of the outposts. His courage is proverbial; and I myself saw him gallop after three or four Maories, and shoot one of them.

I append a sketch of the operations, and short report from Capt. Shortt, who led the advances on the left.

The Assistant Military Secretary,  
&c. &c. &c.

H. J. WARRE, Colonel.

SIR,

Head Quarters, St. George's Redoubt, June 4, 1863.

I HAVE the honour to report that I marched with my company and three others of the 57th regiment, at daybreak this morning, acting as a reserve to the parties under Lieuts. Brutton and Waller.

After the guns had fired a few rounds, the companies crossed a deep gully in succession, and ascended the high ground in the direction of the enemy's position. I extended my company, and with other men I picked up, went straight at what appeared to be a small redoubt. Private Donaghy of my company and I were the first to enter the place, closely followed by Lieut.-Colonel Logan and Captain Russell.

On our first advance we were received with a very heavy fire, which killed one man and wounded several of our party.

The enemy made a very determined resistance, and stood upon the parapets to receive us, and were bayoneted there by our men.

I have, &c.

Colonel Warre, C.B.,  
Commanding 57th Regt.

(Signed) W. A. SHORTT,  
Captain 57th Regt.

NEW  
ZEALAND.  
No. 11.

No. 11.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 68.)

Government House, Auckland, July 3, 1863.

(Received September 14, 1863.)

MY LORD DUKE,

(Answered No. 91, September 26, 1863, page 102.)

Mr. Wardell to  
the Native  
Minister, June  
23, 1863.

I HAVE the honour to enclose, for your Grace's information, a copy of a very interesting report from Mr. Wardell, the resident magistrate in the Wairarapa district, dated the 23rd ultimo, from which your Grace will find how very generally the proceedings of the Taranaki natives who murdered two officers and seven soldiers on the 4th May last is denounced by the natives in the southern portion of this island.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,

(Signed) G. GREY.

&amp;c.

&amp;c.

&amp;c.

Encl. in No. 11.

Enclosure in No. 11.

SIR,

Upper Hutt, June 23, 1863.

I HAVE the honour to inform you that I returned from Wairarapa last night, having been in the valley, with the exception of one day, since the 11th inst.

I have seen nothing to cause me the least fear that the peace of the district will be disturbed.

There are, however, disputes respecting the sale of certain blocks of land, to which I have on previous occasions alluded, and which require immediate adjustment. These have been brought to the knowledge of his Honour the Superintendent as Land Purchase Commissioner, and he has, I believe, commenced negotiations with a view to their settlement.

As I have before reported, the "King's" Runanga of the district decided last month that Tataraimaka had been fairly bought by the Queen, and that the Governor should be allowed to take peaceable possession of it; and further, when the news of the murders of the 4th reached them, they expressed but one sentiment, viz., that the murderers should be punished, and that if the tribe refused to give them up the whole tribe should be treated as murderers.

At a hui held in the neighbourhood of Greytown on the 11th inst. by the King party on the receipt of a letter from Taranaki, a committee of 30 considered the proceedings of the Taranaki tribe, and at the division 23 condemned and six approved their conduct.

With some difficulty I obtained a list of the division, and as it is not without interest I subjoin it.

Pataromu Te Apatu presided. Neither Ngairo, Wi Mahupuku, nor Heremia voted, their position in the party rendering it improper for them to do so. They have, however, expressed their opinion to me; they condemn the Taranaki tribe, and desire that they should be left unassisted to receive their punishment at our hands.

The loyal natives consider the Government called upon to punish severely those who are opposing its authority.

I have, &amp;c.

The Hon. the Native Minister.

(Signed) HERBERT WARDELL, R.M.

No. 12.

No. 12.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 72.)

Auckland, New Zealand, July 4, 1863.

(Received September 14, 1863.)

MY LORD DUKE,

(Answered No. 93, September 26, 1863, page 102.)

Enclosures.\*

I HAVE the honour to transmit copies of letters, which I have received from various persons, warning me of the present intentions of the natives inhabiting the district which borders the Waikato river, and which adjoins the most populous and wealthy part of the province of Auckland. These letters are selected as coming from the most trustworthy sources, but I have received much additional information, all to the same purport.

2. It has now been clearly proved that some of the chiefs of Waikato ordered the recent murders at Taranaki, and that being thus responsible for them, they have determined to support the people who carried out the orders which they issued. For this purpose they are quite prepared to attack this populous district, and even to commit similar murders here.

3. I have, however, arranged with the Lieut.-General a plan of operations, which will I trust not only effectually protect the Auckland district and its inhabitants from the dangers which threaten at this moment, but will also have the effect of placing this part of New Zealand in a state of permanent security.



4. Most fortunately the head quarters of the 2nd Battalion of the 18th Royal Irish arrived here yesterday morning, after an unusually quick passage; nothing could have been more opportune than this event. After consultation with the Lieut.-General I find the force at his disposal is still so small that it would be imprudent to allow the 65th Regiment to leave the Colony during the existing crisis. In conformity, therefore, with the terms of my Despatch, No. 44,\* of the 9th May, applying for reinforcements, the 65th Regiment will for the present be detained in New Zealand, but they shall not be kept here a day longer than is absolutely necessary.

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ZEALAND.

\* Page 17.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

No. 13.

No. 13.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 75.)

Government House, Auckland, July 7, 1863.

(Received September 14, 1863.)

(Answered No. 94, September 26, 1863, page 102.)

MY LORD DUKE,

MY responsible advisers have requested me to forward to your Grace the copy, herewith transmitted, of a memorandum in relation to your Despatch No. 30,† of the 22nd of March last, in which they express their cordial concurrence in the general views and sentiments expressed in the Despatch to which I have referred, and at the same time explain a misapprehension which appears to exist as to the circumstances which caused them to take the opinion of the Colonial Attorney General regarding the power of the Government to make roads through native lands without the consent of the owners of such lands having been previously obtained.

Enclosure.  
Mem. from  
Ministers,  
dated June 30,  
1863.  
† Vide Ho.  
Com. Paper  
No. 467 of  
1863, page 145.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Enclosure in No. 13.

Encl. 1 in.  
No. 13.

MEMORANDUM for HIS EXCELLENCY.

Auckland, June 30, 1863.

IN the Duke of Newcastle's Despatch (No. 30), March 22, 1863, there occurs the following passage:—

"It appears that your Ministry are desirous of making a road in the neighbourhood of New Plymouth through lands belonging to the natives, but without the consent of the native owners. And the Attorney General has advised them (as I understand) that the local legislature is powerless to authorize such a proceeding, but that the land may be appropriated for the proposed purpose by the authority of the Crown."

His Grace then proceeds to point out that this is a question which should be treated as one rather of policy than of strict law; that policy as well as justice requires that in the present state of the country the course of the Government should be regulated with a view to the expectations of the natives based on the treaty of Waitangi and their fears of its non-observance; that the settlers of Taranaki and other places should rather put up with the inconveniences caused by want of roads than risk or bring on a war to obtain them unless the colonists will pay the whole cost of such a war. His Grace concludes by observing that he would view with more than regret the adoption of the course which appears to be indicated in the enclosures to the Despatch he is replying to.

It is scarcely necessary for Ministers to assure his Excellency of their cordial concurrence in the general views and sentiments expressed by the Secretary of State as to the desirability of obtaining only by pacific measures, whenever possible, the concessions by the natives even of rights the most necessary for the occupation by the settlers of their own lands. But as the Despatch shows that his Grace attributes to them entirely opposite views, they have respectfully to request his Excellency to be good enough to convey that assurance to his Grace, and also to correct a misapprehension under which his Grace appears to labour as to the circumstances which caused the opinion of the Attorney General, commented on in the Despatch, to be asked for.

The Governor and Ministers equally were desirous of ascertaining the precise legal position of the Government towards the natives with respect to the general power of taking roads through their lands, and the Attorney General's opinion was called for with the express intention of referring it to the Imperial Government for confirmation, revision, or reversal.

It should further be pointed out to the Secretary of State that the particular road with reference to which there appeared a possibility that it might be necessary to consider the legal position in question, was the road from the main block of land forming the settlement of New Plymouth through the intervening native land to the Tataraimaka block. That this is the only road by which the settlers on the block can communicate with the town of New Plymouth or other parts of the settlement to furnish themselves with goods or carry to market the produce of their farms. That it is the road which has

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always been used by both settlers and natives for one or other of these purposes since the block was purchased in 1847, and indeed, that it forms part of the only road between New Plymouth, Whanganui and Wellington. Further, that this is the road upon which the murders at Oakura on the 4th of May last were perpetrated, and which are justified by the perpetrators, and by the most influential party of the King natives in Waikato, on the pretext that the Southern natives (the Taranaki and Ngatiruanui) had forbidden any European to travel on this road under pain of death; and that consequently the soldiers forming the escort on the 4th of May, having disregarded this prohibition, were properly put to death.

Ministers think that if these few facts are taken into consideration by the Secretary of State, his Grace will acknowledge that they were not actuated (in concurring with his Excellency in the propriety of having the legal powers of the Government in this case precisely ascertained) by any disregard of the rights of the natives to the possession of these lands, or of any assumed or factitious right these natives may claim to prevent roads being taken through their lands without their consent. Nor do Ministers think they can be justly charged with a want of appreciation of the duty as well as good policy of endeavouring to obtain the cession by the natives of this real or pretended right by peaceable means. On the contrary, it will no doubt appear that the acknowledgment of right exercised so arbitrarily, and enforced with such barbarity, would often, as in the Tataraimaka case, be equivalent to the abandonment of lands long ago bought and settled by Europeans, and to the recognition of a Maori sovereignty over these latter of the most tyrannous, galling, and ruinous character.

(Signed) ALFRED DOMETT.

No. 14.

No. 14.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 76.)

Government House, Auckland, July 7, 1863.

(Received September 14, 1863.)

(Answered No. 91, September 26, 1863, page 102.)

MY LORD DUKE,

YOUR Grace will peruse with pleasure the copies of addresses from the Ngapuhi tribe, inhabiting the northern part of this island, which I have now the honour to transmit.

2. These addresses are most numerous signed, and your Grace will find that they denounce in strong terms the murders which were committed by the natives at Taranaki, and the conduct of the Waikato tribes. Addresses of a similar purport are coming in from other parts of the country; I hope, therefore, that a large and influential body of natives will act cordially with the Government in that struggle with the Waikato tribes which I fear can be no longer avoided.

I have, &c.

His Grace the Duke of Newcastle, K.G.,

(Signed) G. GREY.

&c.

&c.

&c.

Enclosure.  
Mr. Clarke to  
the Native  
Minister, July  
4, 1863, en-  
closing ad-  
dresses.

Encl. in No. 14.

Enclosure in No. 14.

SIR,

Civil Commissioner's Office, Waimate, June 30, 1863.

I HAVE the honour herewith of forwarding to you an address with translation from the Ngapuhi chiefs and others of this hundred to his Excellency the Governor, and I beg to accompany it with a few remarks.

The origin of writing to his Excellency upon the subject of the treacherous murders of Taranaki emanated from the natives themselves. Several chiefs spoke to me upon the propriety of doing so, and showed me drafts of letters which they proposed sending to the Governor, two of which, with translations, I herewith enclose. While I commended and encouraged them to write on such an occasion, I suggested that it would look better to get up a general address, which, if approved of and adopted, would show that the feeling of abhorrence was not confined to a few individuals, but that the sentiment was an universal expression of Ngapuhi feeling and disgust at the horrors committed by the Ngatiruanui. The suggestion was well received, an address drafted, and copies of it sent to all the hapus of the hundred by the assessors and kareres, with instructions that none should be allowed to sign the documents but those who abhorred the crimes of the murders. From the way in which the address has been received and signed, it seems to have met with cordial approbation, and I trust that the Government have in the address the sincere and unanimous expression of horror of what has occurred at Taranaki from the Ngapuhi tribe.

Copies of the address have been in the hands of the natives for more than three weeks, and whose act therefore in signing it must have been deliberate and not done upon the impulse of the moment, and knowing as I do from long experience the considerate and cautious manner in which a written document is viewed by a native chief before he will consent to sign his name or permit others to do it, I think the sentiments expressed by the Ngapuhi to be genuine.

In some of the attached sheets of paper containing the signatures it may and probably will be observed that the names are mostly in one handwriting. The Government is aware that it is the common practice for one of a tribe who writes well to sign for those who write badly, as well as for those who cannot write, and in a case of such probable publicity as that of an address to his Excellency, they would not dare to write the name of any man who did not cordially approve of it.



Considerable as are the number of signatures attached to the address, it would have been more numerously signed but for a little Ngapuhi etiquette upon two points. In the first place, many of the chiefs objected to have their names mingled with those of the vulgar, the "tutua," and those who were once their captives; the chiefs agreed that their names were a guarantee for all of the tribe or hapu; consequently from some places the papers were returned with only the signatures of the aristocracy. Another cause for not being more fully signed is the fact that there are numbers living amongst the Ngapuhi who are descendants from Taranaki families by their once captive wives, but amalgamated by marriage, and the Ngapuhi refused to have their names associated with such a disreputable tribe, and, to use their own expression, they wish the address to be purely Ngapuhi. The address, though probably not signed by more than one-third of the adult population of this hundred, fairly represents the different hapus.

I attach some little importance to the address upon public grounds, breathing, as I hope it does, not only Ngapuhi abhorrence of treachery and murders, but also loyalty and attachment as well as confidence in the Government, and I think if publicity is given to the address by printing and circulating it at the south, it will be seen that it is not only an avowal of Ngapuhi feeling and loyalty, but the wavering and timid will see in it a pledge to assist the Government if necessary in punishing such atrocities as have been perpetrated at Taranaki, and may be thereby prevented from joining the disaffected murderers, and the infatuated Kingites will find in it that their cause is hopeless as it respects Ngapuhi.

I do not know that it will accomplish any of these ends, but under any circumstances it can do no harm. Even amongst the Ngapuhi themselves its publication will be well received, and may tend to keep them faithful and loyal to the British Government, to which they will feel that they have pledged themselves in the address.

I may here remark, that though the address is carefully worded, and does not say anything about the chiefs tendering their services to the Government, the subject has been seriously discussed by many of them as to whether they ought not to do so, and probably his Excellency may ere this have received letters from some of them to that effect.

The little additions made by several of the chiefs, especially that of Maihi Kawhiti, to the address, as seen on the paper signed by him and his people, shows the general temper of the Ngapuhi chiefs in reference to the outrage at Taranaki.

The natives are all very busy, principally engaged in digging kauri gum; they are, upon the whole, orderly, peaceable, and well behaved, deeply interested in all that is passing in the south, without the least expression of sympathy with the murderers.

The Honourable the Native Minister.

I have, &c.  
(Signed) GEORGE CLARKE,  
Civil Commissioner.

*First Translation of Address.*

A Letter of Affection from NGAPUHI to Governor GREY.

FRIEND the GOVERNOR,  
Salutations,

Now are you our friend?

Sadness bites painfully within our hearts, and we are disgusted with the murderous news from Taranaki. We mean that of the treacherous murder of the soldiers by the Ngatiruanui, for there was no pretext for this hateful work.

Friend the Governor,

Your thoughts towards these Maoris were loving thoughts, and their thoughts towards you were those of murder. Sir, O Governor, what is to be done to this treacherous murderous tribe? This consideration is with you and not with us. What remains to Ngapuhi is to rest (or lean) upon the Government with love and unity of thought and purpose.

We believe that the origin of these murders has arisen through the King movement. Their words are sweet (or of pleasant sound) but they rest only upon the lips. The thoughts of the heart are of treachery.

This is the ending of our speech to you, O Governor; look thou at our names affixed to this letter, which is a token from us of our love towards you and of our abhorrence of the treacherous murderous work.

Sufficient Sire the Governor, "Tenei au ka urunga ki runga ki taku moenga."\*

Here follow the signatures.

*Second Translation of Address.*

A Letter of Love (or Sympathy) from NGAPUHI to Governor GREY.

FRIEND THE GOVERNOR,

SALUTING you. Salutations to you our loving friend. Sorrow is gnawing sadly in our hearts. Our hearts are disgusted at the murderous news from Taranaki, we allude to the soldiers murdered by Ngatiruanui, for there was no foundation for such disgusting work.

Friend the Governor, your thoughts towards these natives were thoughts of love; theirs towards you were thoughts of murder.

Sire, O Governor, what is to be done to that murderous people?

The consideration rests with you, not with us. The course pursued by Ngapuhi will be to lean towards the Government in love and oneness of thought. We are of opinion that the origin of these murders is in their King movement. The professions they make are plausible enough, but all is lip salve, the thoughts of the heart being murderous thoughts.

These are all our words to you, O Governor; take notice of our names we now sign to this letter in

\* This is a whakatauki or proverb, literally "Here I am reclining (or bolstered up) in my bed;" meaning the act of resting, observing, or looking on, taking a neutral position, yet not apathetic or indifferent.

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token of our love (or sympathy) towards you, and the disgust we feel at those murderous works which are now being carried on.

Enough, Sire, O Governor, henceforth I recline upon my bed.

*Translation.*

To Mr. CLARKE,

FRIEND, you must look at the words I have spoken to the Governor; if they are bad, keep them; but if they are good, let them go.

(Signed) From TANGO HIKUWHAI.

*Translation.*

FRIEND GOVERNOR,

Pukewhau Keri Keri, Bay of Islands, May 25, 1863.  
SALUTING you, my love for you is great. Friend, we have heard the news of the murders committed at Taranaki, which we all say is very bad; the reason of their evil deeds, and cause of their disputes, and also of the murders, all spring from their Maori King. Friend, you must make them give up the men that have committed the murders, and if they will not, you know what to do; we shall remain peaceably and listen to the words you have spoken to us through our President, Mr. Clarke, he must find out if there is a "mote" in our eyes and write to let you know. These are all my words to you.

(Signed) From TANGO HIKUWHAI.

*Translation.*

This is a Letter of Love to Governor GREY.

FRIEND GOVERNOR,

SALUTING you, our sorrow for you is great, and also for the murders that have been committed by the people of Taranaki by Ngatiruanui; this is a great evil, which will not allow of rest and peace for the soul.

Friend Governor, it is all on account of their Maori King that they are so determined and obstinate. They have two errors, their Maori King and the murders. This is bad news. Friend Governor, you must punish those people that have committed those murderous crimes and triumph in them.

This is all we have to say to you.

(Signed) From TANGO HIKUWHAI.  
WHARE PARAONE.  
KOMENE UIA.  
RIPIA TAUWHI.  
OTAI.  
IPEREAMA.

SIR,

Civil Commissioner's Office, Waimate, July 4, 1863.

IN forwarding to you the address to his Excellency the Governor from the natives of this hundred, I omitted to state that a number of signatures from the natives of Whangaroa and other places were on their way, and will have to be added thereto to complete the address; they shall be forwarded by the earliest convenience.

In the present excited state of the country I was unwilling to incur any unnecessary delay by waiting for the signatures from remote parts of the district, especially as I had heard that it was rumoured in Auckland that Ngapuhi were in an excited state and ready to take part with the insurgents, than which nothing can be more incorrect. I must confess that during 40 years' residence in New Zealand I have never known such a burst of loyalty and good will from the Ngapuhi as has been manifested since the Taranaki massacre.

I am expecting daily an address from natives of the hundred of Hokianga. I hear from Mr. Clendon that it will be forwarded as soon as it is complete. There will also be one from the hundred of Kororareka, headed by the long-trying and loyal Tamati Waka Nene.

I have, &c.

(Signed) GEORGE CLARKE,  
Civil Commissioner.

The Honourable the Native Minister.

No. 15.

No. 15.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 79.)

Government House, Auckland, July 13, 1863.

(Received October 15, 1863.)

(Answered No. 100, October 24, 1863, page 102.)

MY LORD DUKE,

I HAVE the honour to transmit for your information copies of letters from some of the chiefs of the river Thames, and from chiefs of the Rotorua district.

Your Grace will be glad to learn from these letters how large a body of the native population strongly disapprove of the murders of the officers and soldiers, at Taranaki, by the Ngatiruanui tribes.

I have, &c.

(Signed) G. GREY.

His Grace the Duke of Newcastle, K.G.,

&c.

&c.

&c.

Enclosure 1.  
Letter from  
Taraia and  
others, dated  
Opukeko, May  
25, 1863.

Enclosure 2.  
Mr. T.H. Smith  
to the Native  
Minister, July  
7, 1863, en-  
closing two  
native letters.



Enclosure 1 in No. 15.

NEW  
ZEALAND.

To Mr. BELL,

Opukeko, May 25, 1863.

Salutations.—We have received the Governor's circulars relative to the foolish deeds of the Taranakis. When we received them the Runangas assembled to discuss the matter, and we decided that it was murder. Friend, we will not ally ourselves to crime. You must first set upon us. All that we desire is for our matters to be investigated by the law, and for the Pakeha and Maori magistrates to travel about. Ngatitamatera, Ngatiwhanaunga, Ngatipaoa and all the Hauraki tribes will not go to Taranaki, nor do they approve of evil. Friend the Governor, our parent, we salute you.

Encl. 1 in  
No. 15.

FROM TARARA,  
TE HIRA,  
RAPATA,  
PINEAHA,

And from all the Runanga.

Enclosure 2 in No. 15.

Encl. 2 in  
No. 15.

SIR,

Civil Commissioner's Office, Maketu,  
July 7, 1863.

I HAVE the honour to transmit herewith two original letters, with translations, addressed to the Government by two native assessors in this district, Raharuhi of Te Awa o te Atua, and Matina of Taramera, on the subject of the Tataraimaka murders. These letters may be regarded as expressing the sentiments of the tribes to which the writers respectively belong; and they correspond with what I have heard from other sources as to the prevailing tone of feeling throughout this district.

I have, &amp;c.

The Honourable the Native Minister, Auckland.

(Signed) THOS. H. SMITH, C.C.

Sub-Enclosures.

Sub-Enclosures.

To Mr. Bell,

FRIEND,

Te Umuhika, June 23, 1863.

YOUR messenger\* has come to me. It is well. It is well to give information about the murder by Ngatiawa. Friend, great is the evil of that work of murder. This is my thought with reference to the crime of that tribe.

Let the men who committed that crime be taken; if the relations spring forward to protect them they will be murderers together. If the tribe spring forward they will be murderers together. Friend, listen to my thoughts, do not you and our loving friend the Governor of New Zealand be suspicious that I shall implicate myself in that crime of murder. Nay, I have no other thoughts but what I have expressed, and if the quarrel becomes very deep (serious) yet I will not budge. Enough.

From your friend,

RAHARUHI PUNONI,  
Native Assessor at Te Umuhika, Te Matata.

To the Governor.

To Mr. BELL,

Motutawa, June 26, 1863.

GREETING YOU. I have seen your letter, which Mr. Smith sent to us, to the assessors. Your letter to Matutaera about the Pakehas killed at Tataraimaka, has been publicly read to my tribe, and all my hapus. That letter was read at Waipa, where the Roman Catholic minister lives, that is, Waipa between Rotokakahi and Rotorua. There was a meeting of the Catholics of the Arawa there, and two letters were read at that meeting, yours and the Bishop's (Pompallier). The word in the Bishop's letter was, the Catholics must not go to fight at Taranaki, but pray to God that the fighting at Taranaki may be made to cease. And the principal word put forth at that meeting was this, that they should not go to fight at Taranaki. I heard only the word of the Catholics of the Arawa; these are the names of the hapus: Ngatiwhia, Ngatitu, these are sections of Tuhonrangi and Ngatiwhakane. Enough.

From your friend,

(Signed) MATINA TOPIA TE RAKATO, Assessor.

No. 16.

No. 16.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace  
the Duke of NEWCASTLE, K.G.

(No. 82.)

Government House, Auckland, July 28, 1863.

(Received October 15, 1863.)

(Answered No. 100, October 24, 1863, page 102.)

MY LORD DUKE,

I HAVE the honour to transmit copies of letters† which the Lieut.-General has received from Colonel Warre, C.B., commanding at Taranaki, from which your Grace will be glad to learn that, throughout considerable districts of country, the well-disposed natives are separating themselves from those tribes who have committed the recent murders, and who are promoting the existing disturbances in this Colony.

Colonel Warre  
C.B., to the  
Asst.-Military  
Secretary,  
No. 1, July 16,  
1863.  
No. 2, July 21,  
1863.  
No. 3, July 21,  
1863.

\* The copy of the letters to Matutaera and others.

† Not printed.

NEW  
ZEALAND.

2. From the enclosed letters, and from similar information from many other quarters, I now entertain a hope, which I believe to be well founded, that the existing insurrection will only be a partial one, and that the majority of the native population will remain faithful to the Government; still, however, the Colony is in great danger, and no permanent peace can now be hoped for until the Waikato and Taranaki tribes are completely subdued.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

No. 17.

No. 17.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 83.)

Government House, Auckland, July 28, 1863.

(Received October 15, 1863.)

(Answered No. 100, October 24, 1863, page 102.)

MY LORD DUKE,

I HAVE the honour to enclose for your Grace's information the copy of a letter I have received from Lieut.-General Cameron, C.B., reporting that he had crossed the Mangatawhiri stream, and had occupied a position on its left bank which would enable him to secure the communication between our two posts in that direction, an attack upon which formed a leading part of the plan of operations which the chiefs of Waikato proposed to undertake with a view of invading this settlement. I beg to call your Grace's attention to the high terms in which Lieut.-General Cameron speaks of the valuable assistance rendered to him on this occasion by Captain Sullivan, R.N.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Encl. in No. 17.

Enclosure in No. 17.

SIR,

Head Quarters, Queen's Redoubt, July 13, 1863.

I HAVE the honour to inform your Excellency that at daybreak yesterday morning I crossed the Mangatawhiri with the head quarters of the 2nd battalion 14th, and a detachment of the 12th regiment, amounting together to 380 men. It was necessary to descend the stream for about half a mile from the termination of the new road; and the left bank where we crossed was so steep that the troops had great difficulty in ascending it. They are now encamped on the Koheroa, about 500 yards from the river, and a redoubt will be constructed immediately which will command the navigation of the river and secure the communication between the Queen's Redoubt and the Stockade on the Waikato.

The troops were conveyed down the river in the cutter of H.M.S. *Harrier*, and a few other boats, manned by a party of men from the *Harrier*. Capt. Sullivan, R.N., was kind enough to superintend the embarkation and landing of the troops. The boats above mentioned, and Capt. Sullivan's gig, were brought overland the day previous—those of the *Harrier* from Drury, and the others from Auckland, and were carried from the Queen's Redoubt down to the river during the night. The whole of these arrangements were under Capt. Sullivan's immediate direction and supervision.

I have also to inform your Excellency that Colonel Wyatt marched from Drury with 300 men of the 65th regiment yesterday afternoon, and reached Tuakau this morning. On their approach the natives abandoned the settlement, and retired in boats across the river.

The detachment is now encamped on a height overlooking the Waikato, and commanding its navigation, and a redoubt for 150 men will be constructed there.

His Excellency Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) D. A. CAMERON,  
Lieut.-General.

No. 18.

No. 18.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 84.)

Government House, Auckland, August 1, 1863.

(Received October 15, 1863.)

(Answered No. 100, October 24, 1863, page 102.)

MY LORD DUKE,

IN the Despatches noted in the margin I have enclosed to your Grace copies of various papers, showing the dangerous attitude the leading chiefs of Waikato had assumed in regard to the European population, and how rapidly their plans for a general war were being matured.

No. 72, July 4,  
1863, page 32.  
No. 77, July 7,  
1863.  
No. 78, July 11,  
1863.



2. Unfortunately those chiefs had considerable numbers of their relatives and adherents living on different tracts of land in the midst of the most prosperous European settlements in this district, and these people had amongst them some of the most turbulent natives in this part of the country, who were the instigators of the proceedings which were being taken against the European race.

3. It was impossible to leave a strong disaffected population, well armed (many of whom were known to be bent on plans of violence and murder), in rear of the General and of the troops, when they occupied the frontier for the purpose of preventing armed bands from falling upon the out-settlements.

4. I hoped, however, that from so many of the Waikato natives who resided in our vicinity having for years lived amongst the European population, and having received so many acts of kindness from them and from the Government, that at least a large number of them would be well disposed towards us, and might be won over to abstain from taking part against us.

5. I therefore had a notice, a copy of which I have the honour to enclose, issued and taken round by officers of the Government to the different settlements inhabited by disaffected Waikato natives, calling upon them to take the oath of allegiance to the Queen, and to give up their arms until the disturbances had terminated, or else to retire up the Waikato.

6. It was found, when this notice was issued, that considerable numbers of the natives had already left their settlements and gone over to the enemy, and that large numbers of the remainder were preparing to do so; and I regret to add that, although the most friendly efforts were made to induce them to comply with the terms of the notice, nearly all of those natives who were left at the several settlements went off and joined the enemy, a course of proceeding for which they were fully prepared.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Enclosure in No. 18.

Encl. in No. 18.

#### NOTICE.

To the natives of Mangere, Pukaki, Thirmatao, Te Kirikiri, Patumahoe, Pokeno, and Tuakau.

All persons of the native race living in the Manukau district and the Waikato frontier are hereby required immediately to take the oath of allegiance to Her Majesty the Queen, and to give up their arms to an officer appointed by Government for that purpose. Natives who comply with this order will be protected.

Natives refusing to do so are hereby warned forthwith to leave the district aforesaid, and retire to Waikato beyond Mangatawhiri.

In case of their not complying with this order they will be ejected.

Auckland, July 9, 1863.

By his Excellency's order.

No. 19.

No. 19.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 85.)

Government House, Auckland, August 1, 1863.

(Received October 15, 1863.)

(Answered No. 100, October 24, 1863, page 102.)

MY LORD DUKE,

I HAVE the honour to transmit for your Grace's information a copy of the proceedings\* of the coroner's inquest held upon the bodies of two settlers, Mr. Meredith and his young son, who were cruelly murdered by some natives on the 15th ultimo, in the vicinity of the town of Drury, at a point which is about two-thirds of the distance from hence to the Waikato river.

\* Not printed.

2. Mr. Meredith was quietly engaged in cultivating his own farm at the time that himself and his son were murdered.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

NEW  
ZEALAND.

No. 20.

No. 20.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace  
the Duke of NEWCASTLE, K.G.

(No. 86.)

Government House, Auckland, August 1, 1863.

(Received October 15, 1863.)

(Answered No. 100, October 24, 1863, page 102.)

MY LORD DUKE,

Lieut.-Gen.  
Cameron, C.B.,  
to Sir G. Grey,  
July 18, 1863.

I HAVE the honour to transmit for your Grace's information the copy of a letter I have received from Lieut.-General Cameron, C.B., containing a detail of the circumstances under which the natives of the Waikato district fired upon a party of troops upon the 17th ultimo, as they were proceeding along a public road which passes through our own land.

2. Captain Ring, 2nd Battalion 18th Regiment, was in command of the small detachment which was thus suddenly surprised and attacked by a vastly superior force; four men were killed and ten wounded in a very short space of time; but reinforcements arriving, the enemy were driven off. The Lieut.-General states that the conduct of Captain Ring and the small detachment under his command upon this occasion was such as to reflect the greatest credit upon them.

3. From another Despatch I am about to send home, your Grace will learn that so complete were the preparations the natives had made for commencing this war that at the same time that one body was attacking Captain Ring's force, with the evident view of cutting off General Cameron's communication with Auckland, another large body of them had collected in his front, and were preparing to attack his outposts in that direction.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,

(Signed) G. GREY.

&amp;c.

&amp;c.

&amp;c.

Encl. in No. 20.

Enclosure in No. 20.

SIR,

Head Quarters, Queen's Redoubt, July 18, 1863.

I HAVE the honour to forward for the information of your Excellency the copy of a report from Captain J. Ring, 2nd Battalion 18th Regiment, of an attack made by the rebel natives upon an escort under his charge, not far from Mr. Martin's farm, on the road between this and Drury. The conduct of Captain Ring and the small detachment under his command, attacked as they were by a vastly superior force, and under the most unfavourable circumstances, reflects the greatest credit upon them.

I have also to forward a copy of a report from Colonel Murray, detailing his movements upon a body of rebels at Keri Keri, and the capture of prisoners.

I have, &amp;c.

His Excellency Sir George Grey, K.C.B.,

(Signed) D. A. CAMERON,

&amp;c.

&amp;c.

&amp;c.

Lieut.-General.

SIR,

Camp, Drury, July 17, 1863.

I HAVE the honour to report for your information that on my march from the Queen's Redoubt to Drury, this day, my escort &c., as per margin,\* were fired upon by the natives at Stone Depot, near Baird's Farm. The fire was opened on my advance guard on both flanks, and my right flank and rear was immediately fired upon; the fire took effect on the centre of the convoy, one driver and two horses of his escort fell, which, dividing the convoy, &c., was taken advantage of by the natives, who, dashing in force across the road, opened fire on the left flank, thus exposing my rear guard, consisting of prisoners and escort, to a severe fire from the bush from each flank and right rear. I immediately retired with as many men as I could concentrate, and firing, kept the enemy from surrounding my very small party, though in skirmishing order. During the contest the fire of the enemy was well returned, and I personally saw five or six natives fall; they came out on the open, but a charge quickly drove them into the bush; finally their attempting to surround my party obliged me to retire to Mr. Martin's house, which I occupied until reinforced.

I beg to annex the following list of killed and wounded:—

Killed, 4—Privates Alexander Jameison, Felix McGrath, James Scott, and James Limerick.

Wounded, 10—Serjeant Lawson; Corporals Glim and Kee; Lance Corporal Kavanagh; Privates J. Keane, J. Gibbons, H. Hurst, H. Ryan, Alexander McCagne, J. Connors.

Missing—Private J. Byrnes, supposed to have returned to the Queen's Redoubt; this man was a prisoner, and unarmed at the time.

I have, &amp;c.

(Signed) JAMES RING,

Captain, Royal Irish.

P.S.—I beg to state that the conduct of my subaltern Ensign Bicknill and the men was admirable, and particularly that of Ensign Bicknill.

The Officer Commanding Royal Irish.

JAMES RING, Captain, &c.



SIR,

Camp, Drury, July 16, 1863.

NEW  
ZEALAND.

I HAVE the honour to report for the information of the Lieut.-General Commanding, that in obedience to his orders, I moved off this morning at 3.30 a.m., with a force as per margin,\* and proceeded to Kirikiri for the purpose of arresting as many of the natives of that village as I could find. The mounted force having proceeded to the front, I telegraphed to his Excellency the Governor, requesting the services of the Volunteer Cavalry under Colonel Nixon, arranging that they should meet me at Papakura at 4 a.m., which they did. On arriving at the place just as day broke, I ascertained that the natives had retired up the hill about half a mile off, where they had a settlement in the bush. I accordingly divided my force into two bodies; the 65th Regiment, under the command of Captain Gresson, proceeded up the right by a track leading to the summit of the hill, where the natives were supposed to be most numerous. At the same time I directed Colonel Nixon, commanding Volunteer Cavalry, to send a part of his force with them, and which he led himself. The second party, under command of Captain Noblett, 2nd Battalion 18th Regiment, proceeded along the Wairoa road (which leads to the left from Kirikiri, and crosses the line through the bush), with instructions to take up a post to cut off the retreat by that road, reserving at the same time the remainder of Colonel Nixon's force at the foot of the hill to act as circumstances might require.

So quietly and expeditiously were these movements made, that on Captain Gresson's party reaching the spot to which it was directed, it came at once upon the chief Isaac and his party, situated at the edge of the bush, all of whom were made prisoners before any resistance could be offered, amounting in all to 13 men, 7 women, and 3 children. A number of arms, accoutrements, and ammunition (as per list enclosed) also fell into our possession, the whole of which, together with the prisoners, are at present in the camp at Drury, awaiting instructions from his Excellency the Governor as to their final disposal. The main body of the natives were encamped in the bush, of which I was not made aware in time to push on the 18th far enough; they, however, succeeded in securing some arms and ammunition, with a rebel flag.

I beg respectfully to bring to the Lieutenant-General's notice the very orderly conduct of the troops engaged. Officers and men bore with cheerfulness the fatigues of the long and harassing march, under heavy rain, through roads knee-deep in mud.

To Lieut. Reid, R.A., I am indebted for able assistance, that officer having volunteered to accompany me with four of his men, and whose services in conveying orders were of great use to me. I trust that the result of the movement, such as it has been, will meet the Lieut.-General's approval.

I cannot speak too highly of the promptness with which Colonel Nixon's force turned out, having only received orders at a very late hour of the night to join me at Papakura at 4 o'clock in the morning, as well as their orderly and efficient appearance under arms, which I think it due to Colonel Nixon to bring to the particular notice of the Lieut.-General.

The Assist. Military Secretary,  
&c. &c. &c.

I have, &c.  
(Signed) G. F. MURRAY,  
Colonel Commanding Troops, Drury.

No. 21.

No. 21.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 87.)

Government House, Auckland, August 1, 1863.

(Received October 15, 1863.)

MY LORD DUKE,

(Answered No. 100, October 24, 1863, page 102.)

I HAVE the honour herewith to transmit for your Grace's information the copy of a letter I have received from Lieut.-General Cameron, C.B., detailing the particulars of a very smart action which took place between the natives and our troops on the 17th ultimo.

Lieut.-Gen.  
Cameron, C.B.,  
to Sir G. Grey,  
July 18, 1863.

2. I will not trouble your Grace with any details of this action, so fully described by Lieut.-General Cameron, but you will find with pleasure how completely the enemy was routed, and how gallant the conduct of our troops was. Indeed, a more signal defeat cannot well be imagined than the enemy sustained on this occasion.

3. At the same moment, however, that they appeared in the General's front, they were falling upon a small body of troops about ten miles in his rear, with the view of interrupting his communications with Auckland. As, however, I have reported in another Despatch, they were repulsed in this latter attack as well as in the former one, although the loss on our side in the latter case was heavier than in the attack upon the force under command of Lieut.-General Cameron.

(No. 86, Aug.  
1, 1863, p. 40.)

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Enclosure in No. 21.

NEW  
ZEALAND.  
Encl. in No. 21.

SIR,

Head Quarters, Queen's Redoubt, July 18, 1863.

I HAVE the honour to inform your Excellency, that at 11 o'clock yesterday morning, Lieut.-Colonel Austen, 2nd Batt. 14th Regiment, commanding the camp at the Kohiroa, having observed a large body of natives collecting on the hills in his front, instantly ordered his battalion to get under arms and moved with praiseworthy promptitude against them, followed by detachments of the 12th and 70th Regiments, which had just arrived at the camp as a reinforcement, the whole force amounting to about 500 men.

A report of the circumstances reached me as I was on my way to the Kohiroa, and I hastened towards the column, which I overtook on its march. After we had proceeded in skirmishing order about two miles the rebels opened fire upon us, and as we advanced upon them they retired along the narrow crest of the hills towards the Maramarua, making a stand on every favourable position which the ground presented. Some of their positions, which had been recently fortified by lines of rifle pits, and which from the nature of the ground could not be turned, they defended with great obstinacy, and as we had no artillery in the field, they could only be dislodged from them by successive attacks with the bayonet, which were executed by the 2nd Battalion 14th with great gallantry and success.

We pursued them from one position to another, a distance of about five miles, until we drove them in great confusion across the mouth of the Maramarua, some escaping up the Waikato in canoes, and others along its right bank after swimming across the Maramarua. A considerable portion of them, however, before reaching the Maramarua, escaped down a gully to the left, seeking shelter in a swamp, and suffered severely from the fire of our men on the heights. As we had no means of crossing the Maramarua, I ordered the troops to return to camp.

All the troops behaved remarkably well. I am greatly indebted to Lieut.-Colonel Austen, 2nd Battalion 14th Regiment (who was wounded in the arm); to Major Ryan, commanding detachment 70th Regiment; and Brevet Major Miller, commanding detachment of the 12th Regiment, for the manner in which they led and directed the movements of the men under their respective commands.

Among the officers conspicuous for their forwardness in the attack were Captain Strange, 14th Regiment, who commanded the leading company of the column, Captain Phelps, who greatly distinguished himself at the head of his company when charging a line of rifle pits, and Lieutenants Glancy and Armstrong, also of the 2nd Battalion 14th Regiment.

Colonel Mould, C.B., Royal Engineers, was with the column during the engagement and ready to give his valuable services if required.

I enclose a list of our casualties, which are small, considering the time the engagement lasted and the nature of the ground, which was exceedingly favourable for defence.

The enemy must have had fully 300 men in the field, almost the whole of them belonging to tribes of the Waikato. There can be no doubt his loss was considerable, upwards of 20 dead having been counted by us on the ground, several of whom were chiefs of consequence, and among others an uncle of the king.

His Excellency Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) D. A. CAMERON,  
Lieut.-General.

## HOSPITAL, QUEEN'S REDOUBT.

RETURN of Killed, Wounds and Injuries received in Action at Kohiroa Heights, Waikato, N. Z.

| Date of Injury. | Corps. | Rank and Name. | Missile or Weapon.  | Diseases.   | Nature of Wounds. |                       |              | Remarks. |
|-----------------|--------|----------------|---------------------|-------------|-------------------|-----------------------|--------------|----------|
|                 |        |                |                     |             | Slightly.         | Severely.             | Dangerously. |          |
| 17th July, 1863 | 2—14th | Lieut.-Col.    | — Austen -          | Musket ball | Vulnussclop       | —                     | 1            | —        |
| do.             | do.    | Private        | Moses Burdon -      | do.         | do.               | 1                     | —            | —        |
| do.             | do.    | do.            | John Ingram -       | do.         | do.               | —                     | 1            | —        |
| do.             | do.    | do.            | James Gilligan -    | do.         | do.               | —                     | —            | 1        |
| do.             | do.    | do.            | Patrick Markey -    | do.         | do.               | —                     | —            | 1        |
| do.             | do.    | do.            | James Tancred -     | do.         | do.               | —                     | —            | 1        |
| do.             | do.    | do.            | William Murphy -    | do.         | do.               | —                     | —            | 1        |
| do.             | do.    | do.            | William Cavanagh -  | do.         | do.               | —                     | —            | 1        |
| do.             | do.    | do.            | Henry Clarke -      | do.         | do.               | —                     | 1            | —        |
| do.             | do.    | do.            | Robert Williamson - | do.         | do.               | 1                     | —            | —        |
| do.             | do.    | do.            | Alfred Picton -     | do.         | do.               | 1                     | —            | —        |
| do.             | do.    | do.            | William Smith -     | do.         | do.               | Mortally, since dead. |              |          |

H. F. ROBERTSON, Surgeon 40th Regt.

No. 22.

No. 22.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 88.)

Government House, Auckland, August 1, 1863.

(Received October 15, 1863.)

(Answered No. 100, October 24, 1863, page 102.)

MY LORD DUKE,

I HAVE the honour to transmit for your Grace's information the copy of a letter I have received from Lieut.-General Cameron, C.B., forwarding copies of reports from

Lieut.-Gen.  
Cameron, C.B.,  
to Sir G. Grey,  
July 18, 1863.



Captain Ring, 2nd Battalion 18th Regiment, and Colonel Wyatt, commanding 65th Regiment, regarding a skirmish on the 22nd ultimo with a body of natives in the neighbourhood of the town of Drury, at a place called Kiri Kiri.

2. In this skirmish, as in all the previous affairs, the enemy were repulsed with loss.

3. The Lieut.-General speaks in high terms of the conduct of Colonel Wyatt, of Captain Ring, and of the officers and men of the respective detachments engaged in this affair. Your Grace will farther be glad to learn that the militia of this province, who are now in the field in large numbers, are very honourably mentioned by the Lieut.-General for their conduct in this skirmish.

I have, &c.

His Grace the Duke of Newcastle, K.G.,  
&c.      &c.      &c.

(Signed) G. GREY.

Enclosure in No. 22.

Encl. in No. 22.

Colonial Secretary's Office, Auckland, July 28, 1863.

His Excellency the Governor directs the publication of the following Despatch, with its Enclosures, from Lieut.-General Cameron, C.B.

ALFRED DOMETT.

SIR,

Head Quarters, Queen's Redoubt, July 25, 1863.

I HAVE the honour to forward for your Excellency's information copies of reports from Captain Ring, 2nd Batt. 18th Regiment, and Colonel Wyatt, commanding 65th Regiment, regarding a skirmish on the 22nd inst. with a body of natives in the vicinity of Kiri Kiri.

Colonel Wyatt and Captain Ring, the latter a very promising young officer (whose gallantry in charge of an escort I had the pleasure of bringing to your Excellency's notice a few days ago), displayed great judgment and ability in command of their respective detachments, and the officers and men of both deserve the greatest credit for their conduct in the engagement; those under Captain Ring for their courage and firmness in maintaining an open position so long against superior numbers; and those of Colonel Wyatt's detachment for the promptitude with which they hastened to the support of the former, and the spirited manner in which they attacked and drove off the enemy.

This is the first occasion on which the militia of this province have co-operated with the regular troops in action against an enemy, and your Excellency, as well as the inhabitants of the province, will be gratified to learn that the detachment attached to the force under Colonel Wyatt is so honourably mentioned by that officer.

I have, &c.

His Excellency Sir George Grey, K.C.B.,  
&c.      &c.      &c.

(Signed) D. A. CAMERON,  
Lieut.-General.

SIR,

Camp, Drury, July 23, 1863.

I HAVE the honour to request you will inform the Lieutenant-General that yesterday forenoon, having been informed by a mounted volunteer that a man had been shot by the natives on Mr. Hay's grounds, and that his house was threatened, I immediately got my available force under arms (as per

|              | F.O. | Cap. | Sub. | Staff. | Ser. | Dr. | R. | & F. |
|--------------|------|------|------|--------|------|-----|----|------|
| * R.A.       | —    | —    | 1    | 1      | 1    | 1   | 1  | 26   |
| 65th Regt.   | 1    | 1    | 3    | 1      | 6    | 3   |    | 72   |
| Vol. Militia | —    | 1    | 1    | —      | 1    | —   |    | 33   |
|              | 1    | 2    | 5    | 2      | 8    | 4   |    | 131  |

margin \*), and proceeded in that direction, directing as I went along the detachment of the militia to crown a small knoll, and thus protect the approaches to Drury, and also ordering Lieutenant Rait, R.A., and his troopers to proceed in the direction of the Wairoa valley, for the purpose of cutting off any marauding parties. On arriving at Mr. Hay's, his son, Ensign James B. Hay, of the Militia, volunteered to act as guide to my party, and I

scoured all the bush in that vicinity with 30 men, having previously directed Lieutenant and Adjutant Lewis, with 40 men, to remain outside, and thus cut off any natives attempting to escape. On reaching the native settlement of Kerikeri, I heard some desultory firing on my left, and was led to understand by some militiamen that they had fired at some natives towards the Wairoa escaping into the bush.

Being satisfied with this explanation, I returned towards Drury, having previously picked up the body of the murdered man, and sent it there.

When within one and a half miles of that settlement I was overtaken by Veterinary Surgeon Anderson, R.A., who informed me that a detachment of the 2nd Batt. 18th Regiment was in a very precarious position near Wairoa, and required a reinforcement, as they could not do more than hold their position.

On this I retraced my steps towards Kerikeri, and just before sunset entered the main bush, under the guidance of Ensign Hay.

As my party advanced, firing and shouting were more distinctly heard; and after proceeding about half a mile a turn of the road brought me suddenly upon the combatants,—the 2nd Batt. 18th on an entrenched knoll, and the natives on the lower ground, but pressing them hard upon three sides, when the detachment 65th Regiment cut off in their turn the immediate rear of two of them. Lieutenant Pennefather, who commanded the advanced guard, finding himself exposed to a cross fire from both 2nd Batt. 18th Regiment and natives, directed the bugler to sound the "regimental call" and the "fire;" and with a loud cheer, which was answered by the 2nd Batt. 18th Regiment, a rapid and continuous fusillade was opened on the natives ensconced in the gullies, and sheltered by trees from the fire of the 2nd Batt. 18th Regiment.

NEW  
ZEALAND.

Being completely taken by surprise, they, after a smart action of about 10 minutes, fled towards the denser bush; but the darkness, which had now began to set in, rendered all attempts at searching for their dead and wounded perfectly futile.

The enemy's fire being now completely silenced, I directed both parties to move off to their respective camps, and while so doing a few desultory shots were fired high over their heads.

I must bring to the Lieutenant-General's notice the cool and intrepid gallantry evinced on this occasion by Lieutenant Rait, R.A., Captain Gresson, Lieutenant and Adjutant Lewis (who commanded No. 1 Company, the officers being both sick), and Lieutenant Pennefather, who commanded the advanced guard; and I trust you will recommend Ensign James B. Hay, of the Militia, to the favourable consideration of his Excellency the Governor, for his coolness and cleverness in guiding the party under my command so rapidly into the scene of this brief, but smart action.

With a proud heart I must bring to the Lieut.-General's notice the cool and quiet order and gallantry displayed by all ranks of the force under my command, and the unflinching patience with which the men bore the harassing and toilsome march to and from the scene of action.

I am happy to say that the casualties of my party were limited to one private killed.

The Military Secretary,  
Head Quarters, Drury.

I have, &c.  
(Signed) ALFRED F. W. WYATT,  
Colonel and Lieut.-Colonel Commanding  
65th Regt. and Troops at Drury.

SIR,

Camp near Keri Keri, Wairoa Road, July 23, 1863.

I HAVE the honour to state for your information that at noon the 22nd instant I received information that two settlers had been fired upon by a body of natives, and that one of the settlers was killed, and hearing firing in the vicinity of Pukikiwereke, about two miles from my camp, I immediately proceeded with 100 men of the detachment under my command, and close to the above-named place I fell in with natives who were engaged with 16 volunteers. I opened fire and the natives retreated to my former entrenchment above the whari at Keri Keri. The firing of the skirmishers drove them down the side of the hill into the brushwood; the leading skirmishers on the right, under Lieut. Wray, took possession of the hill, and kept up fire on them; I, with another body of skirmishers, proceeded to take them on the right flank, but found that the natives, who mustered a strong force, nearly surrounded me. Here I lost one man killed, whose rifle and bayonet were taken possession of by the natives, though not without serious loss to them. I then concentrated my men on the entrenchment, and having heard from an artillery officer, who rode up to my position, that the 65th Regiment was in my immediate vicinity, I requested that he would inform the officer commanding 65th that there was a track on the enemy's rear, and if an attack were made in that direction it would be of great service, as it was quite impossible for me to follow so strong a force of the enemy into the bush with my small force. I remained in the entrenched position until close on sunset, keeping a steady fire on the enemy, who were endeavouring to obtain the body and ammunition of the private who was killed, and whom I would not leave. I repeatedly tried to obtain possession of the body by sending out volunteers of the man's company, but desisted, finding it would entail greater loss. I was about retiring, leaving a rearguard in the entrenchment, when the mounted artillery arrived, immediately after I saw the 65th appear. The natives then drew off their right flanking movement, and retreating into the bush, enabled me to obtain the body of the man of my detachment; this accomplished, the whole force withdrew.

I beg to annex the following list of casualties:—

- No. 1 Company, 925, Private John Ewins, killed.
- No. 1 Company, 805, Private John Hamilton, wounded severely.
- No. 7 Company, 324, Private Thos. Dunbar, wounded slightly.
- No. 7 Company, Private Conroy, wounded slightly.

The officers engaged on this occasion were Lieut. Wray, Ensign Jackson, and Ensign Butts, whose assistance, coupled with the steadiness of my men, merits unqualified approbation.

I have, &c.  
(Signed) JAMES RING,  
Captain Royal Irish Commanding Detachment.

#### SUPPLEMENTARY REPORT.

I BEG to forward the enclosed list, just received from Captain Clare, of the Auckland Militia, who at first were engaged with the enemy and then joined my force, and rendered every possible assistance, and behaved in a most creditable manner.

W. Hutchins, Lieut.-Colonel, Assist. Mil. Sec.

I have, &c.  
(Signed) J. RING, Captain.

No. 23.

No. 23.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 89.)

Government House, Auckland, August 1, 1863.

Commander  
Sullivan, R.N.,  
to Sir G. Grey,  
July 28, 1863.

MY LORD DUKE,

(Received October 15, 1863.)

(Answered No. 100, October 24, 1863, page 102.)

I HAVE the honour to enclose for your Grace's information the copy of a letter I have received from Commander Sullivan, R.N., at present senior naval officer in New Zealand, reporting that the Colonial steamer "Avon" has been taken into the river Waikato, and is now about 30 miles up that river co-operating with Lieut.-General Cameron.



2. The presence of this steamer in the Waikato river will prove of the greatest possible advantage to us in the present conflict, and your Grace will find, from Captain Sullivan's letter, that we are in no small degree indebted for this advantage to the ability and energy of Commander Mayne, R.N., and of Captain Greaves, now serving as Deputy Assistant Quartermaster-General in this Colony. This is the first time that a steamer has entered the Waikato river.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Enclosure in No. 23.

Encl. in No. 23.

SIR,

Bank of Mangatawhiri, July 28, 1863.

I HAVE the honour to inform you that in compliance with your wishes, the Colonial steam vessel "Avon" has been partially protected from musketry fire, and brought up the river Waikato to Havelock in safety.

2. The whole of this service has been executed under the immediate supervision and direction of Commander Mayne, of Her Majesty's ship "Eclipse," to whom I had confided that important duty.

3. Your Excellency will perceive from the copy of his report to me, which I enclose, the many difficulties to be overcome,—also the immense assistance rendered by Captain Greaves, Deputy Assistant Quartermaster-General, and that of Mr. Strand, a settler at Kohanga, without which, notwithstanding the great skill and untiring energy and patience of Commander Mayne (to whom I feel greatly indebted), this successful result would in all probability have been greatly retarded.

To his Excellency Sir George Grey, K.C.B.,  
&c. &c. &c.  
Governor of New Zealand, Auckland.

I have, &c.  
(Signed) J. W. SULLIVAN,  
Commander and Senior Naval Officer  
in New Zealand.

Sub-Enclosure.

Sub-Encl.

SIR,

"Avon," off the Bluff, Waikato, July 27, 1863.

I HAVE the honour to inform you that I left Onehunga in Her Majesty's ship under my command with the steamer "Avon" in tow on the morning of the 16th, and steamed to the Manukau heads.

2. The signal "Bar unsafe" being made from the station, we anchored on the Huia bank, and remained there till Monday the 20th, the ship dragging into shoal water, we then shifted berth round Puponga, and remained there till Saturday the 25th.

3. On the morning of the 25th proceeded over the bar with the "Avon" in tow, and reached the Waikato heads at one o'clock; took 30 of our men on board "Avon," and sent "Eclipse" back to Manukau, and crossed the Waikato bar in the "Avon" at two o'clock.

4. After grounding several times on the flat which crosses the river inside the entrance, we ran on the bank about two miles below Kohanga, and had to remain there until four o'clock next morning.

We then hauled off and steamed on till nearly daylight, when we again grounded.

6. During the day we lightened the vessel as much as possible by putting coal and some other heavy things into a large canoe which we towed up, and at high-water (4.30 p.m.) the vessel again floated; steamed on till six, and anchored eight miles below Tuakau; started at daylight next morning, and reached the Bluff at 4 p.m.

7. The only natives we saw were a few at the heads, who hoisted a white flag as we passed, 20 or 30 at Kohanga, and as many at Cameron.

No one appeared the least disposed to dispute our passage.

8. Captain Greaves, Deputy Assistant Quartermaster-General, accompanied the vessel, and it is owing to his knowledge of the river and unflagging energy that the service was accomplished so successfully. He preceded the vessel the whole way, sounding and showing the channel.

9. I request that you will bring to the notice of the Colonial Government the service of Mr. Strand of Kohanga; he accompanied the vessel from that place to Cameron, and materially assisted Captain Greaves in conducting her over one or two difficult places in which the channel had lately shifted.

To Commander F. W. Sullivan,  
Senior Officer in New Zealand,  
Naval Brigade Camp, Mangatawhiri River.

I have, &c.  
(Signed) J. C. MAYNE,  
Commander of H.M.S. "Eclipse."

No. 24.

No. 24.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 90.)

Government House, Auckland, August 1, 1863.

(Received October 15, 1863.)

MY LORD DUKE,

(Answered No. 100, October 24, 1863, page 102.)

I HAVE the honour to transmit to your Grace copies of two letters\* I have received from Major Hassard of the 57th Regiment, in command at Whanganui, from which your

\* Enclosures not printed.

NEW  
ZEALAND.

Grace will find what active exertions the chiefs of Waikato are making to engage the natives throughout this island to take a part in an attempt to drive the Europeans from it.

2. From the first of these letters it appears that the Waikato chiefs had sent orders to the Taranaki, Ngatiruanui, and Ngarauru tribes to attack the troops at Taranaki and Te Kahakaha on the 17th day of July, on which day the Waikato tribes would attack Auckland.

3. Fortunately the precautions taken prevented the Waikato tribes from carrying out their intention, but they in so far fulfilled their promise, that on the day named they attacked the party under Captain Ring, and fought an action with the Lieut.-General; but that part of this proposed combined movement which was to have been carried out at Taranaki never took place.

4. The second of the enclosed letters shows that the chiefs of Waikato have ordered the tribes living near Wellington and the town of Napier to attack those places. I do not think these orders will be obeyed, but they show what extensive plans the Waikato chiefs had formed, and how determined they are to try to prosecute them.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

No. 25.

No. 25.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 91.)

Government House, Auckland, August 1, 1863.

MY LORD DUKE,

(Received October 15, 1863.)

(Answered No. 100, October 24, 1863, page 102.)

I HAVE the honour to enclose for your Grace's information a return of the militia, volunteers, and local forces of this part of the province of Auckland for the month of July.

2. The inhabitants of this part of the country have come forward with the best spirit to meet the present great emergency, and we have now in all about 3,000 men under arms, and performing active service.

3. In this number are included a force of 265 men, regularly enrolled for continuous service, under Colonel Pitt, which we are increasing as rapidly as we can, besides a mounted force of 100 men. Both these bodies of men will act under the General's orders in any part of this island, exactly in the same manner as regular troops.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Encl. in No. 25.

Enclosure in No. 25.

STATE showing the DISTRIBUTION of the MILITIA and VOLUNTEERS in the Province of AUCKLAND (all armed), July 29, 1863.

| Station.             | Militia and Volunteers. | Pitt's Militia. | Cavalry.        | Total. | Remarks.                                                                                                                                        |
|----------------------|-------------------------|-----------------|-----------------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Auckland - -         | 1,283                   | —               | 25<br>not armed | 1,308  | Flag Staff North Shore,<br>30 Volunteers included.<br><br>From this number 10<br>per cent. may fairly<br>be deducted for sick<br>and absentees. |
| Remuera - -          | 60                      | —               | —               | 60     |                                                                                                                                                 |
| Onehunga - -         | 277                     | —               | —               | 277    |                                                                                                                                                 |
| Otahuhu - -          | 144                     | 35              | 90              | 269    |                                                                                                                                                 |
| Howick - -           | 190                     | —               | —               | 190    |                                                                                                                                                 |
| Panmure - -          | 70                      | —               | —               | 70     |                                                                                                                                                 |
| Wairoa - -           | 100                     | 25              | —               | 125    |                                                                                                                                                 |
| Papakura - -         | 107                     | 25              | —               | 132    |                                                                                                                                                 |
| Burton's - -         | 175                     | 25              | 20              | 220    |                                                                                                                                                 |
| Keri-Keri - -        | —                       | 50              | —               | 50     |                                                                                                                                                 |
| Mauku and Waiuku - - | 50                      | —               | —               | 50     |                                                                                                                                                 |
| Drury - -            | —                       | 105             | 30              | 135    |                                                                                                                                                 |
| Manakau Mills - -    | 45                      | —               | —               | 45     |                                                                                                                                                 |
| Total - -            | 2,501                   | 265             | *165            | 2,931  |                                                                                                                                                 |

\* 95, included, belong to the "defence force."

Militia and Volunteer Office,  
Auckland, July 27, 1863.

H. C. BALNEAVIS, Lt.-Col.,  
Dep. Adj.-Gen. of Militia and Volunteers.



No. 26.

NEW  
ZEALAND.  
No. 26.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 93.)

Government House, Auckland, August 8, 1863.

MY LORD DUKE,

(Received October 15, 1863.)

(Answered No. 100, October 24, 1863, page 102.)

I HAVE the honour to enclose for your Grace's information the copy of a letter which has been addressed by William Thompson, chief of the Ngatihana tribe, to Archdeacon Brown.

Dated Matamata, Otorokai, July 26, 1863.

2. Your Grace will be sorry to find that this chief has determined to join the natives who are in arms against us, and that he deliberately announces his intention to spare no one, not even the unarmed.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,

(Signed) G. GREY.

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 26.

Encl. in No. 26.

WILLIAM THOMPSON TE WAHAROA to ARCHDEACON BROWN.

To ARCHDEACON BROWN,

Matamata, Otorokai, July 26.

SALUTATIONS. Friend, hearken. The reasons were many that induced me to consent to go and view the work between the Waikato and the Governor.

This is a word of mine to you to let you know my views. I shall spare neither unarmed people nor property. Do not suppose that the Waikatos are wrong, and the Governor right. No; I consider that he is wrong. The faults that I have seen are,—1st. I said to him, leave these years to me, do not go to Tataraimaka, leave me to talk to the Ngatiruanui, do not persist, that tribe is still hostile. It was Governor Browne who taught them. That hot-tempered Governor said that all the land over which he had trod should be his, *i.e.*, Waitara. The Taranakis then said with regard to Tataraimaka, Very good, and we also will hold the land over which our feet have trod.

Governor Grey, however, did not agree to my proposal.

2nd. The Governor persisting in Mr. Gorst staying as a magistrate in the midst of the Maoris. I said to Mr. Gorst, Go back, the Maoris do not want you. But the Governor still persisted in sending Mr. Gorst. Now it appears that it was for the purpose of provoking a war that he persisted.

3rd. The taking up of the post at Mangatawhiri.

4th. The unwarrantable conduct of the soldiers in driving the Maoris off their own land at Pokeno.

5th. The defeat or death (mate) of the Waikatos, you have heard and know. The law discriminates in cases of crime, and does not include the many. These are the wrongs which I have seen.

Father, listen. I have consented to attack the whole of the town. If they prove the strongest, well and good. If the Maoris prove the strongest, this is how it will be. The unarmed people will not be left. Enough, you hear what I say. This turns.

From your Son,

(Signed) WILLIAM THOMPSON TE WAHAROA.

No. 27.

No. 27.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 94.)

Government House, Auckland, August 10, 1863.

(Received October 15, 1863.)

MY LORD DUKE,

(Answered No. 100, October 24, 1863, page 102.)

I HAVE the honour to report that Major-General Thomas James Galloway, who has recently been promoted to the rank of major-general from the command of the 70th Regiment, has, under the circumstances of the war now prevailing in this Colony, consented at my request to remain here for the present, and to assume the command of the Militia and Volunteers in the province of Auckland, of which forces we have now about 3,000 men under arms and on active service.

2. I hope that by securing General Galloway's services we shall render the Volunteers and Militia a most efficient force, and I trust your Grace will secure the sanction of the Secretary of State for War to my detaining Major-General Galloway for the present in New Zealand.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,

(Signed) G. GREY.

&amp;c.

&amp;c.

&amp;c.

NEW  
ZEALAND.

No. 28.

No. 28.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 100.)

Government House, Auckland, August 22, 1863.

(Received November 16, 1863.)

(Answered No. 106, November 20, 1863, page 103.)

MY LORD DUKE,

I HAVE the honour to transmit to your Grace a letter I have received from the Superintendent of the province of Wellington, enclosing an account of a meeting he held with the natives of Waikanae and Otaki on the 30th of July last.

2. This meeting was a very important one in one respect, for it will be found that the natives distinctly admitted at it that the so-called Maori King had sent letters to them calling on them to rise and attack the Europeans, thus affording another proof of an intended general rising on the part of the King party.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Encl. in No. 28.

Enclosure in No. 28.

SIR,

Superintendent's Office, Wellington, August 15, 1863.

Aug. 12, 1863.

I HAVE the honour to enclose you a copy of the "Spectator," containing an account of my meeting with the natives at Waikanae and Otaki. I purpose having the account translated and circulated amongst the natives of this province.

The Honourable the Colonial Secretary,  
Auckland.

I have, &c.  
(Signed) J. E. FEATHERSTON,  
Superintendent.

Sub-Encl.

Sub-Enclosure.

## THE SUPERINTENDENT'S VISIT to the NATIVES at WAIKANAЕ and OTAKI.

CONSIDERABLE excitement having been created amongst the natives on the West Coast by the recent intelligence that war had commenced in the Waikato, and an intimation having been conveyed to the Superintendent that the natives would be glad to see him; the Superintendent left Wellington on Thursday, the 30th ult., and reached Waikanae the following morning, where he found a deputation from the Otaki natives to request him to visit them also. Wi Tako and his people received the Superintendent in the King's runanga house, and gave him a most cordial welcome. After the Superintendent had addressed the meeting (his address being about the same as that delivered the following day at Otaki—a full report of which we give),—

Wi Tako rose and said—I have nothing encouraging to say, I had confidence in myself, I have none now; I could answer for my people, can I do so now? I will not attempt to answer your questions, as they are too many for me; but will say, keep the militia in Wellington, prevent them from coming on the coast; leave the road to its original purpose, to drive sheep, cattle, horses, and carts, and the mail. I tell you if the militia or soldiers are sent on the coast the peace will be broken. Have you not heard that we have received a letter from the King to prepare for war? We did not interfere with the Waitara or Tataraimaka war, although waged against our very relations; no, we are a peaceable people. Keep away your militia, keep them in Wellington if you think proper. We thank you for your visit just at this time, to explain to us the reason for what you are doing, as there are many reports as to what the militia are intended for, and which we are glad to know are false. Perhaps you are right as to the intentions of the Government, but we have reason to doubt the European. We intend to have soldiers at the same time as you. I speak for myself, I cannot answer for others. The Whanganui, for instance, I have no influence with them. I will now end by telling you, as the head of the province, to keep the militia away from the coast.

Heremia.—We acknowledge the truth of what you say, and are much pleased, but keep away the militia from Porirua along the east coast to Whangaehu; if they are moved on the coast there will be war. I tell you we have received a letter from the King to commence war at once upon the European; the Waikatos are to send men to different points; at that time war is to commence. Your questions require thought. I will answer them at our meeting at Otaki. I will give my European neighbours notice when they must leave, you need not fear murder, it cannot be done without our knowledge. No war party can come from Waikato without our knowledge. We have too many friends there. I am a bad man, attend to what I have said, keep away the militia.

Wiremu Tamihana To Neke said to Heremia:—Explain what you mean by when the Waikatos show themselves at Upper Wanganui and Otairi you will then warn the Europeans to leave.

Heremia replied: I mean when they make their appearance at those places war is at hand. I will warn the Europeans to be off.

The Superintendent: You have told me that you have received a letter from the King. Was that letter written and signed by Matatuera?

Wi Tako and Heremia: Yes.

The Superintendent: Did Matatuera in that letter call upon you to rise?

Wi Tako and Heremia: Yes.





Wi Tako: But I have not shown that letter to our people.

Superintendent: Why?

Wi Tako: Because it was in plain writing. I Matatuera distinctly urged you to rise against the Europeans.

Wi Tako and Heremia: Yes.

With reference to Heremia's remark "that the Waikatos were to send men to different points," the Superintendent simply observed, that the Waikatos would be too fully occupied at home to afford assistance to intending parties here. That all the measures the Government was taking was for the purpose of protecting the Maoris and Pakehas against small bands of marauders.

In answer to Wi Tako's and Heremia's remonstrances against either the militia or armed police force being sent up the west coast, the Superintendent said: Though I meet you in your King's house, don't fancy that I have become a Kingite, or am prepared to listen to his word. The Government would not be guided by the wishes of the King natives. The police force will be stationed wherever Government may please. As long, however, as I am satisfied of the peaceable intentions of the natives, and that no danger need be apprehended at Waikanae, Otaki, and Maniwatu, I shall probably advise that no force be at present stationed at either of those places. But I certainly shall advise that a force be stationed at Rangitikei, as that is the road (as Heremia himself admits) by which a marauding party from Waikato or Taupo would probably come.

Wi Tako and Heremia both said: That is right and reasonable; let the boundary of the district within which no force is stationed be the Paikakariki and the Rangitikei river.

The meeting then broke up, and the Superintendent, accompanied by Wi Tako and others, rode on to Otaki, where they arrived in the evening. The following day the Superintendent met the natives in the court-house. The meeting was attended by above 200 natives, including the three leaders of the Kingites, viz., Wi Tako, Wi Hapi, and Heremia, with a few of their followers. Mr. Hamlin acted as interpreter, and Mr. Buller, the resident magistrate of the district, and most of the European settlers resident in the village were present. After a few words of welcome from Tamihana Te Rauparaha,—

The loyal chiefs then one after the other rose, and after uttering words of welcome said,—There is no use in our declaring our sentiments—our sentiments are now more than ever loyal. Let us make short speeches. Let the Kingites speak and answer the Superintendent.

Epina said: I was once a Kingite, but I soon found that the King was nothing more than an empty bubble, and I at once turned to the Queen.

Most of the loyal natives deprecated sending an armed force up the coast.

Wi Hapi, after rebuking one of the loyal chiefs who had attacked him, said, turning to Dr. Featherston, You have told us all your thoughts, and we see the goodness of them. Two words of your speech I allude to. This is what you said, "I have been 20 years in New Zealand, and have seen no wrong in the tribe Ngatiraukawa as regards killing the Europeans. Let us live peaceably together, and not follow the example of those tribes who are working evil." I will allude to two of your words, one with regard to living peaceably, and the other regarding the King. My friend, Dr. Featherston, no European will be killed, murdered, by this tribe, Ngatiraukawa, Rangitikei being one boundary, Otaki the other. No European will be murdered, but oh, my friend Dr. Featherston, do not allow any soldiers' barracks at Paikakariki, Waikanae, Otaki, Manawatu, or Rangitikei; I say to you, if there are no soldiers' barracks at any of these places we shall be good men, all of us for ever and ever (live in peace); but if there are soldiers' barracks at any of these places—(Paikakariki, Waikanae, Otaki, Manawatu, or Rangitikei, there will be evil amongst us. This was the case at Waitara. The Governor went there with his soldiers, and built barracks there; the end was evil (fighting). In like manner at Tataraimaka, Governor Grey and his soldiers went there and built barracks; the end was evil. And thus, if soldiers' barracks are built in any of the places, the end will be evil (fighting). The second of your words, about the King, you said, "Is fighting the work of the King, that you should work at it" (carry it out), I say, my friend Dr. Featherston, I am not working on the King's side as a wish for fighting, but merely as a "mana" over my land, and a "mana" over myself. Fighting is no part of our plan; but if the Governor says that there shall be no two heads in New Zealand, if he attacks the King's rights, if he intends to put down the King, then we shall go to support the King. We won't give up the King to-day. Keep your soldiers in Wellington.

Heremia said: We thank you for coming amongst us, you have cleared many misconceptions. If no troops be sent up this coast, there will be quiet. It is no part of Kingism to plunder and murder. I disapprove of Rewi's letter, the killing of the soldiers was murder. Matutaere in his letter urges us to rise. The words of Matutaere's letter are different from those of Rewi's; Matutaere does not say kill the Pakehas; his words were, the Governor is going to flog the King, rise to assist him. He does not say kill the Pakeha; no such word in his letter. You tell us of murders at Waikato. We do not disbelieve what you say, but you get your account from the Governor, and I cannot answer your question about these murders, unless I hear from some more people. Why accuse us of an intention to murder the settlers? No man did so in previous wars. We took no part in that war. I say I will not go to the Waikatos. (Wi Tako: "Don't say that, don't commit yourself.") I say again I won't go to Waikato. I fear the Maoris are to be killed, then I will stand up. We have talked about sending the Pakehas out of this district; we did so because we thought there was danger. If we hear of a war party from Waikato, we shall give notice to the settlers to quit. Hearken, O Dr. Featherston, we shall not kill the settlers resident amongst us on that land. If I see the approach of evil, I will not hide it from the European residents. I will go and tell them that they may go quietly to Wellington. If the barracks for soldiers are built at Paikakariki, Waikanae, Otaki, Manawatu, or Rangitikei, they (the soldiers) will die there. Do not say it is a murder of mine. If the Governor attacks our King, we shall be evil, and don't say this is a murder. I do not agree with what you say, that the work being now carried on at Waikato is murder.

Wi Tako (who has not furnished, as Heremia and Wi Hapi have, a report of what he said) spoke to this effect:—If Kingism is to be put down, I come here to hear my doom. We Waka and Heremia are hard men; they will not yield. I cannot therefore give up Kingism. The whole island is full of Kingism and fighting. Dr. Featherston, like Governor Grey, is angry that I won't abandon the King.



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But Heremia and Wi Waka are hard men; they are my friends though I differ from them, I won't therefore give up the King. Matutaere's letter contains two words, upon which different constructions may be put. You know the construction put upon Rewi's letter, and what followed from it. I have kept this letter from my people for fear that it should be wrongly construed. There has been nothing but fighting since soldiers came amongst us. Nothing is said about the murders committed by the soldiers. Why call us murderers and not the soldiers. When Rangiheta and Rauparaha were fighting against the Government, we took no part in the war, we committed no murders. We took no part in the war at Waitara, though in wars as I was chiefly concerned, we committed no murder. The same as regards the war at Tataraimaka; not one of our people has gone to Tataraimaka. Why do they accuse us of the intention of rising against and murdering the Europeans in the present war? I say don't send your troops up this coast.

The Superintendent insisted upon seeing Matutaere's letter. Wi Tako said he would give him a copy; when Wi Waki got up, and protested against its being shown to Dr. Featherston until he had perused it. (A copy, a few days afterwards, was given to Captain Edwards, the resident magistrate at Waikanae.) Before breaking up, the natives expressed a wish that the Superintendent should visit them frequently as long as the present disturbances lasted.

The Superintendent said:—I thank you my friends for having invited me to meet you here, for I am glad of the opportunity of repeating to you what I said yesterday at Waikanae to Wi Tako, Heremia, and the other natives present at the meeting there. It was my custom during the last war to put you in possession of everything that occurred, and to explain fully the intentions of the Government; and I propose doing the same so long as the present disturbances last. I do not know whether you will believe what I shall tell you; but you know that I have lived 20 years amongst you, and that I in common with many others did not hesitate to condemn Governor Browne when we believed he was acting unjustly; and I certainly shall not now hesitate to declare to you very plainly what I think of the conduct of the natives who are engaged in war at Taranaki and Waikato. I must first allude to some of the reports which are spread both amongst the Maoris and the Pakehas by bad men for bad purposes. You are told that the war at Waikato is the commencement of a war which will spread over the whole island—that after the Governor has subdued the Waikatos he will attack the other tribes—that it is the intention of the Governor to kill the Maoris indiscriminately, and then to seize their lands; you are told that the Governor has increased the number of his troops and vessels of war, that he has built steamers that are bullet-proof, and can easily go up all of your rivers, that he has erected stockades, and has called out the militia for no other purpose than that of exterminating the whole Maori race. These are some of the reports circulated amongst you by bad men for bad purposes. On the other hand, the settlers are told that at almost every runanga that has been held during the last year a proposal that the natives should suddenly rise in every district of this island, and murder the whole European population, has been the constant subject of discussion; that the proposal has found acceptance with a large number of the natives; that this is now the chief object that the King party has in view; the settlers are told that emissaries from the Taranaki and Ngatiruanui tribes have been incessantly moving about the province preaching this wholesale massacre. They are told that you, Wi Tako and other chiefs, although you have not yourselves consented to join in this conspiracy, are no longer inclined to restrain your people, but are prepared to let them loose. These are some of the reports that are spread amongst the Pakehas by bad men for bad purposes. I am not surprised that the reports should be believed by both Maoris and Pakehas, for they are based upon facts that are admitted by all. It is perfectly true that the Governor has increased his forces, both military and naval; that he has built steamers that are bullet-proof; that he has erected redoubts, and that he is arming all the settlers; but it is not true—it is utterly false—that he has any intention to wage a war of extermination, or to seize and confiscate native lands. On the other hand, I know that emissaries have been sent amongst you to urge you to rise and attack the settlers, to burn, plunder, and murder. But I do not believe that any Maories in this province have consented to this foul proposal. These reports, however, do a great deal of mischief; they make and keep up a constant state of excitement and alarm. They cause feelings of suspicion and mental distrust between the two races. I am anxious to allay these feelings of alarm, suspicion, and distrust by explaining to you, without reserve, the intentions of the Government, and the sole object of the military preparations; and I shall require from you an equally open declaration of your views and intentions. Don't attempt to throw dirt in my eyes, for I can and will judge of your real intentions quite as much by what you do not say as by what you do say. I have already reminded you that I with many others protested in the General Assembly against Governor Browne's proceedings at the Waitara. We then condemned him, and still condemn him, for the seizure of the Waitara. We then stood up on behalf of the Maoris, and shall ever do so, as long as they have right on their side. Was Rewi right in sending that letter of his urging the natives at Tataraimaka to fall unawares upon and massacre the military escort? Were those natives right who executed Rewi's order and murdered the escort? Were those natives right who broke into Mr. Gorst's house, stole the printing press, and drove away its inmates? Were those natives right who forcibly took away the wives and children of the Pakehas? Were those natives right who by threats of violence forced many of the settlers of Raglan to abandon their homes and take refuge in Auckland? Were those natives right who formed a plot to murder all the settlers at Patunahoe? Were those natives right who within the last two or three weeks have murdered in the province of Auckland five or six unarmed settlers? Are those natives right who openly avowed their intention to kill every white man, woman, and child they could lay their hands on? These are questions to which, though Wi Tako and Heremia evaded them yesterday, I expect to-day plain and decided answers. I will tell what that great chief Renata said about these things at a great meeting held the other day at Ahuriri. Renata said that these were foul deeds, and that the perpetrators of them ought not to go unpunished; that he would not allow anyone to justify them in his presence; that he separated himself and his people from such miscreants. And now I tell you plainly that such deeds bring discredit and disgrace upon the King movement; and that the Queen will not allow parties guilty of such crimes to go unpunished. If such outrages could be perpetrated with impunity, there would soon be no safety for the lives and properties of either Maoris or Pakehas. The whole island would soon become a scene of anarchy and blood-



shed; would be a prey to bad, lawless, blood-thirsty men. I say, therefore, that in this war the Governor has right and justice on his side, and the natives wrong and injustice—and be assured that the just cause will prevail. It is to punish these murderers and plunderers; it is to protect the lives and properties both of white men and Maoris; it is to establish law, order, and peace in districts where no law, order, or peace at present exist, that these military preparations have been made and operations already commenced against the Waikato tribes. And I will not conceal from you, that whatever number of troops and ships of war may be required for this purpose by the Governor will be readily granted by the Queen. There can be no peace until this rebellion is completely crushed and put down, and for ever extinguished. But some of you have said to me, "There is war at Tataraimaka, there is war at Waikato, but there is no war here; we have lived with the Pakehas on terms of friendship for more than 20 years, though there has been war in this province between certain tribes and the Government, there never has been war between us and the settlers; why then are you making preparations for war here; why are you training a force of armed men; why are you arming and training the settlers?" It is quite true my friends that we are making these preparations—we are arming and drilling our settlers. We are increasing our armed police force, and I will tell you why. We are taking these measures, not for the purpose of making war, but to prevent war—in order to preserve peace in this province—in order to protect Maoris and Pakehas. I do not believe that any Maoris of this province would attack the settlers; and you know that no Pakeha can lift up his hand against you without the certainty of being punished; but I am not so certain that some of those natives who are committing murders in other parts of this island may not some day do the same here, in the hope that it may embroil us in war. You know that the Maoris who commit these deeds are above all things anxious to bring about a war here. We are doing our best to prevent them. We are taking the measures I have mentioned as the best means of guarding ourselves against such treacherous attacks; of deterring these bad men from making any attempt to disturb the peace of this part of the island; and if any body of our natives were attacked by those marauders, they would be supported by the whole force of their Pakeha friends. Instead, therefore, of viewing our preparations with suspicion, you ought to regard them with satisfaction. There is one fact which I only learnt yesterday at Waikanae, which you must admit fully justifies us in calling out the militia, in arming the settlers, and in increasing our police force. I allude to the fact that King Matatuera has written letters to Wi Tako and Heremia, calling upon all the King natives of this province to rise up in arms. Now what does Matatuera mean by calling upon the natives to rise? There is no other possible meaning than this: he calls upon you to do what bad natives are doing in other places—to attack the settlers with whom you boast you have lived in peace for more than 20 years. He calls upon you to plunder and murder your Pakeha friends, against whom you say you have no ground of complaint. If you tell me that I am wrong in saying that such is the meaning of Matatuera's letter, then I call upon Wi Tako and Heremia to produce and read the letter, and then this meeting shall decide whether I am right or wrong in saying that the King calls upon you to plunder and massacre the settlers. But if such be the true meaning of Matatuera's letter, then I ask you whether it was for this purpose, with this object, the King movement was begun; whether you became adherents to the King in order that you might combine to commit under his guidance the foul deed he has proposed to you? I call upon every one of you to give a plain answer to this simple question. If you say, as you have all along said, that your sole object in establishing the King movement, in becoming adherents of the King, was to establish law, order, and peace, then I ask you whether the King movement has produced those results? Who instigated the massacre of the escort at Oakura? Was it not one of the King's chiefs who executed that order? Were they not followers of the King? Who were engaged in the plot to murder all the settlers at Patumahoe? Were they not Kingites? Who, within the last few weeks, have murdered at Auckland five or six unarmed settlers? Did they not call themselves subjects of the King? And who now calls upon you also to rise, to plunder, and to massacre your Pakeha friends? Did not the King, is it not Matatuera himself? O remember this—he who calls upon others to plunder and murder is himself a robber—i.e., murderer. Unless you can disprove these statements, unless you can say no to every one of these questions, then you must admit that instead of establishing law, order, and peace, the King movement has produced nothing but anarchy and confusion, war and bloodshed. If such be the fruits of the King movement, are you prepared still to support it? Wi Tako and many others have repeatedly told me that if it failed to establish law, order, and peace, they would separate themselves from it. I call upon Wi Tako and all others who have held the same language to redeem their pledge. Those who approve of the foul deeds I have mentioned; those who intend to carry out the orders of the King to plunder and murder will adhere to Matatuera; but they must not expect the settlers to regard them as friends, or in any other light than that of men against whom we must ever be on our guard, and against whose treachery we are bound to take every possible precaution. I have spoken thus plainly to you because I have nothing to conceal—because I am a warm friend of the natives. I ask you to speak equally plainly and candidly.

No. 29.

No. 29.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 105.)

Government House, Auckland, August 22, 1863.

(Received November 16, 1863.)

MY LORD DUKE,

(Answered No. 109, November 22, 1863, page 103.)

I HAVE the honour to transmit for your Grace's information the copy of evidence taken at a coroner's inquest held on the body of Mr. Calvert, who was shot by a party of natives on the 24th ultimo. I regret to state that on the same day a settler of the name

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of Cooper was also shot by the natives whilst employed in carrying timber from the forest.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

No. 30.

No. 30.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 107.)

Government House, Auckland, August 27, 1863.

(Received November 16, 1863.)

(Answered No. 110, November 24, 1863, page 104.)

MY LORD DUKE,

I HAVE the honour to transmit a report which has been received from Mr. Law, the Civil Commissioner at Taupo, which contains information regarding the present state of feeling amongst the tribes inhabiting the central part of the northern island of New Zealand.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Encl. in No. 30.

Enclosure in No. 30.

SIR,

Oruanui, Taupo, July 28, 1863.

I HAVE the honour to inform you that I started on the 17th of this month to visit the tribes inhabiting the immediate vicinity of the Lake; comprehending my own people of Ngatiterangiita and the moderate King party (residing at Tokanu and Waihi), headed severally by Hare Tauteka and Te Heuheu.

The more immediate cause of my visit was in consequence of a report having reached me that they (the latter) were making preparations to join the fighting parties of Whanganui and proceed to Taranaki.

In a former report I stated that letters had been received from Taranaki urging the King natives to join them as they were being beaten. No notice was taken of these letters.

When General Cameron attacked the natives, and when Hori Te Kai a roto, was killed, letters were again written to the Tokanu natives, urging them to come and avenge the death of their relative. The old and young were eager for the fray, and wished to set out at once, but they were restrained by the more thinking body of the natives. While their minds were in this state of uncertainty, and peculiarly liable to be turned to the purposes of a skilful agitator, a visit was made to Taupo by Rewi for the ostensible purpose of holding a "Tangi" in honour of the deceased Te Heuheu. Meetings were held, and after he had talked the natives up to the proper state of excitement, laid his mask aside, and told them that the object of his visit was to induce the Taupo natives to go to Waikato, and fight the soldiers at Te Ia. The extreme King party took up the cry, and although two or three of those who have a pretty just idea of the strength of the Europeans warned them that they were rushing upon certain death and destruction. What was that to them! Reason and reflection were thrown aside, and with one voice, old and young, men and women, assented to Rewi's proposition.

The next point for discussion was—Where shall the fight take place? One proposed Te Ia; another Whanganui. At this stage of the proceedings a man who had just arrived from Rangitikei informed the meeting that there were three houses full of powder at that place, and it was then agreed to that these should be looked after. Rewi then went back to Waikato without having favoured me with his promised visit. He, however, sent on letters to the people here, which have been left unanswered.

\* \* \* \* \*

The first thing I did was to circulate amongst the natives the fact of Waitara having been returned to the owners; that this was a simple act of justice in the Governor, that this had been done even after the murders had been committed, and that now the Governor's path was clear; and that Tata-rimaka, which was acknowledged by both King and Queen natives, and even by Rewi himself, to belong to the Governor, was now the only "Taki whayhai."

\* \* \* \* \*

Ngapari and Petuera (now that old Te Heuheu is dead) are the sole representatives of the "old men" of the last generation left in Taupo of any importance. Ngapari is an old "Tohunga" and warrior. He has the gift of dreaming, and it is wonderful the effect produced on the native mind by these old "Tohungas." He has proved himself a good friend to the Government. He has built a pa to defend my house, and has always spoken and acted well; and what is better has never received a shilling of Government money, either directly or indirectly.

\* \* \* \* \*

We arrived at Tokanu on Tuesday, 21st inst. We were received with the usual Maori welcome, and the Whai korero commenced. I cannot say that it was very favourable for our views. One stood up after another; their voice was still for war. Hohepa and Paul answered them. Whai korero, freely translated, means "bunkum," and no one takes much notice of it. In the evening, after



the natives had *taken tea*, Hare Tauteka (brother of the late Te Herekiele) commenced the talk by informing us of Rewi's visit, and the determination at which they had arrived. He then went on to say that they had since heard that Waitara had been returned, and that the only "Putake whawhai" was Tataraimaka. This had changed their ideas. They would not go. They had sent letters to Rewi to tell him to give back Tataraimaka to the Governor. They now find that Rewi had told them lies about Tataraimaka. He had sent two messengers to Wanganui to listen to the talk there—the good, and the bad, *i.e.*, for or against the Governor. He had also sent two messengers to Waikato, to Rewi and Tamihana. He should wait for their return, and be much guided by what they said. He said if the Governor Pokonous in Waikato then I may go. The whole matter rested there. If the Governor makes war without, as they suppose, a just cause, the war will be general; if they consider the cause a just one, they will not interfere. This left us little to say, excepting that we complimented them. They acknowledged that it would be quite proper to punish Ngatimaniopoto, although it would not be quite proper to cross upon native land at "Te Ia," always premising that no just "take" had been given by the Maoris. Here the matter ended as far as the Tokanu natives were concerned.

Next evening I was favoured by a visit from the Rev. T. S. Grace. It gives me the greatest possible pleasure to be able to say that this gentleman's views have been greatly modified, if not quite changed, by recent events. It gives me the more pleasure to record this, because I have had occasion, more than once, to animadvert rather severely upon his political opinions and their tendencies upon the native mind. He told me that he was quite satisfied that it was time the natives were chastised. He characterized their holding their lands as a "dog in the manger" policy, and in his evening's lecture (and it was a pretty severe one) he told them that their land was a desert, and that God had given it to them for another purpose. Te Heuheu arrived at about the same time of the evening, and after Mr. Grace left he rose up and gave me his thoughts. He went over nearly ground similar to that taken by Hare. He added, however, that he had asked Rewi, when they two were alone, "Tell me the real cause of this fight?" Rewi only shrugged his shoulders. Heuheu repeated his question, and further asked him whether it was about Tataraimaka or Waitara. He only received an ambiguous answer. From this I (Heuheu) thought there was something hidden in the thoughts of this man, and I was not strong to support him. He then said that he was anxious to go to Auckland to carry his thoughts to the Governor. I told him that he and other influential men of the moderate party should go; and promised that I would give him a letter of introduction to Mr. Bell, who would be kind to him.

Old Te Heuheu was very anxious to see the Governor; he told a native teacher who used to go and visit him, that "he longed to see the Governor," but was afraid of the "King runangas." I have no doubt that the nephew would receive a kind reception for his uncle's sake, and he deserves it for his own, for although a King native he is very moderate, and it is only the old dread and distrust about the land that keeps him, and hundreds more like him, from the Government.

I returned on the 25th from a successful journey, far exceeding what I anticipated, to hear the news brought here by a Waikato native, that war had commenced in Waikato. I am of course in complete ignorance as to the circumstances preceding the fight; but on Monday, 27th instant, I prepared and sent on by special messenger five copies of the enclosed document to the tribes which I had just visited; I cannot say what the result will be, whether the natives of Taupo will join or not. More letters have arrived, but no attention is paid to them. I am anxiously awaiting answers to my letters from the natives, when I receive their answers I shall go down to Tarawera for a week, and send on a supplementary report.

Not enclosed.

\* \* \* \* \*

I am confident that my return here has had a very favourable effect. The people are most urgent in their request for me to stay amongst them, and under the circumstances I shall do so, knowing that if I am withdrawn from here the natives will consider themselves given up by the Government, and at liberty to do what they like.

There are two things that natives dread:—1st, that their lands shall be forcibly taken, or that it shall be all bought; 2nd, and consequent upon the first, that they will be made slaves of. By the old custom, where land was taken by conquest, and prisoners made, the people were made slaves. They converse constantly upon this subject. If we could only convince them of the justice of our ideas, it would be a great point gained. This has been done to a great extent by the giving up of Waitara; it certainly occurred to me that the natives might impute its restoration to fear, or any other cause excepting the right one. This fear was needless; the natives at once looked at this matter in its proper light, they understood the matter at once, they said that the Governor had seen the "He," and had said, "This is not my land, take it back." I was the first to bring the news to Tarawera and Taupo, and it was quite pleasing to see the unanimity of feeling shown by King and Queen upon this subject; but here again the old feeling comes out. They say, "We know that Governor Grey is a just man, but he will not always be Governor, and what is to prevent another Governor doing what has been done already," referring to the last war; about Waitara the only answer that can be given is that such a thing will not probably occur again. The reply is "ana," "who knows."

I cannot close this report without favourably mentioning those who have so ably seconded my endeavours to restrain the people of this district; I have already named them in a former page; these men are not under the immediate eye of the Government, but they work none the less for that; and I hope they will not be forgotten. Hohepa especially has been so incessantly occupied in travelling upon public business that he has been obliged to neglect his own affairs, such as planting, &c.; another heavy tax upon them is the reception of strangers coming to me.

I have, &c.

(Signed) GEORGE LAW, Civil Com.

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No. 31.

No. 31.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 109.)

Government House, Auckland, August 29, 1863.

(Received November 16, 1863.)

(Answered No. 113, November 26, 1863, page 104.)

MY LORD DUKE,

Encl. 1.

Mem. from  
Ministers,  
July 31, 1863.

Encl. 2.

N. Z. Gazette,  
No. 35,  
Aug. 5, 1863.

Encl. 3.

Mem. by  
Sir G. Grey,  
Aug. 5, 1863.

I HAVE the honour to transmit to your Grace the copy of a memorandum I have received from my responsible advisers, containing the details of a plan they have formed for the introduction into this country of 5,000 men, who are to hold fifty-acre farms of land upon military tenure, having first performed military duties in this country for such period as the Government may require their services. The enclosed copy of the conditions under which these men are being enrolled will explain the details of the proposed plan, which is based upon that which I adopted in British Kaffraria, such differences, however, existing between the two plans as the totally different nature of the populations, physical aspect, soil, and climates of the two countries rendered necessary.

2. The land upon which it is proposed to locate these military settlers it is intended ultimately to take from the territories of those tribes now in arms against the Government. My responsible advisers are of opinion that the General Assembly will, under the present critical circumstances of this Colony, pass without hesitation the laws necessary to give legal validity to the proposed measure, and I have summoned the Assembly for the 19th day of October next, partly with the view of submitting this measure for the consideration of that body.

3. From my reply to the memorandum of my responsible advisers, a copy of which is herewith transmitted, your Grace will find that I have acquiesced, until the General Assembly can meet, in the proposed arrangement, to the extent of raising 2,000 men for active service in this province on the conditions named.

4. I feel certain that the chiefs of Waikato having in so unprovoked a manner caused Europeans to be murdered, and having planned a wholesale destruction of some of the European settlements, it will be necessary now to take efficient steps for the permanent security of the country, and to inflict upon those chiefs a punishment of such a nature as will deter other tribes from hereafter forming and attempting to carry out designs of a similar nature, which must in their results be so disastrous to the welfare of the native race, as well as to Her Majesty's European subjects.

5. I can devise no other plan by which both of these ends can be obtained than,—

Firstly, by providing for the permanent peace of the country by locating large bodies of European settlers, strong enough to defend themselves, in those natural positions in this province which will give us the entire command of it, and will convince the badly-disposed natives that it is hopeless to attempt either to drive the Europeans from the country, or to place them throughout a great part of its extent under the rule and laws of a king of the native race, elected by a Maori population, who would soon turn his arms against his brother chiefs, and render the northern island, from end to end, one large scene of murderous warfare.

And, secondly, by taking the land on which this European population is to be settled from those tribes who have been guilty of the outrages detailed in my various Despatches to your Grace. A punishment of this nature will deter other tribes from committing similar acts, when they find that it is not a question of mere fighting, which they are to be allowed to do as long as they like, and then when they please to return to their former homes as if nothing had taken place, but that such misconduct is followed by the forfeiture of large tracts of territory, which they value highly, whilst their own countrymen will generally admit that the punishment is a fair and just one, which the Waikato chiefs have well deserved.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

(Signed) G. GREY.

Encl. 1 in  
No. 31.

Enclosure 1 in No. 31.

## MEMORANDUM FOR HIS EXCELLENCY.

It is now beyond all question that the native tribes of Waikato, the most powerful in New Zealand, are resolved to attempt to drive out or destroy the Europeans of the northern island, and to establish a native kingdom under a native king. They are determined to try their strength with us.



and to allow us no peace until we have inflicted upon them the punishment their acts of aggression deserve.

There is no doubt that with only the force at present in the Colony the contest with these tribes would be long as well as severe. If no effort is made to put an end to the struggle at once, a desultory strife without decisive result may be continued for years; the loss to the Colony in life and treasure will be indefinitely increased and no security against future wars be after all obtained. Neither the Colony nor the Imperial Government can possibly consider this a satisfactory prospect. No partial success on our side, no temporary submission or laying down of their arms by the natives, will afford a basis for any peace that can be looked upon as sound or permanent. There must be a material guarantee that the settlers shall not in future be disturbed in their peaceful occupations by turbulent natives. The present war must be conclusive. The lives and property of the colonists, the integrity of the Colony, the welfare of the aborigines, and all hopes of their civilization, depend upon the decisive and satisfactory termination of this contest.

There is one obvious circumstance without which the insurrections which have hitherto convulsed, and that which is now convulsing the country would probably not have occurred. That circumstance is the paucity of the European as compared with the native population. Had the settlers been more numerous a wholesome respect for their power, and consequently that of the Government, would have prevented these outbreaks. There is no need to suppose that an increase of the numbers of the settlers would have lessened their forbearance or their consciousness of strength engendered tyranny. In the middle island, where the natives are a handful compared with the settlers, we hear of no war, no quarrels, and few complaints, while the natives are all in quiet possession of property probably worth 150,000*l*. A similar relation between the two races in this island would produce a similar result, namely, the peace, the welfare, and safety of both natives and Europeans. We have hitherto been contented to hope that the gradual and peaceful increase of the European population by the ordinary processes of immigration hitherto carried on would have effected all that could be desired in this particular. But the determined hostility of the Waikato tribes, and the strain upon the colonists required to raise a force sufficient for their own protection merely, make it absolutely necessary to provide the means of adding to our numbers without a moment's delay. Fortunately we have now, we fully believe, within our power the means of effecting this object.

The gold fields of Australia and Otago have attracted to these Colonies a large number of men in every way fitted to supply the population required, men hardy, self-reliant, accustomed to a bush life, expert in the use of fire-arms, and as a body fully impressed with the necessity of the maintenance of law and order. Many of these men, tired of the digger's life, are looking around to establish for themselves a permanent home, and only require the inducement of the offer of a suitable locality and liberal terms to select the northern island of New Zealand.

The rebellion of the Waikato tribes places within the power of the Government the locality required; no part of New Zealand affords one more suitable in every respect for the purpose, and the inducements now proposed to be offered, with proper care in the selection of the men, will, we believe, secure a suitable population.

The measure now submitted for your Excellency's approval, the introduction of an armed population to be located on the land taken from the enemy, is, in our opinion, as essential to the establishment of a satisfactory and permanent peace as needful to meet the immediate pressing emergency.

It is impossible for the district of Auckland to bear, for an indefinite length of time, the strain to which it is at present subject. A great portion of the whole population is now under arms. It is now difficult, and will soon become scarcely possible, to procure the necessaries of life. Bakers, butchers, and others, who are required to supply the daily wants of the community, are actively engaged in militia and volunteer service. To supply the troops is difficult; contractors being unable to fulfil their contracts in consequence of themselves and their men being employed in the field. The occasion has required it, and all have cheerfully submitted; but it is the duty of the Government to devise means to put an end, with as little delay as possible, to such a state of things. To withdraw the population from their military duties without some substitute would throw obstacles in the way of General Cameron's success. Implicit reliance is felt on his being equal to the emergency, and on his making no greater demands on the population than that emergency calls for. All his requirements have been cheerfully complied with. But still, notwithstanding every effort on his part, seconded by the admirable conduct of the troops, with upwards of 3,000 civilians under arms to assist, homesteads have been laid waste, houses pillaged, unarmed men and boys brutally murdered in cold blood in localities in the immediate vicinity of Her Majesty's forces; a battle has been fought, a large escort attacked and almost overpowered, and skirmishes have been of almost daily occurrence, entailing a serious loss in killed and wounded. It is then abundantly clear that the population should be reinforced without loss of time by the introduction of immigrants capable of bearing arms, as proposed above.

Another important consideration is the danger that exists, that the insurrection at present confined to the Waikato and the Taranaki tribes may extend to other tribes whose loyalty or friendship is of a doubtful character, if some decisive success over the Waikato be not speedily obtained. If the war should drag itself over months, with a chequered success, there is a strong probability that the other wavering tribes may be drawn into it. On the other hand, nothing will tend so much to confirm the allegiance of the doubtful, and prevent their latent disaffection from taking the form of open hostility, as some sharp punishment speedily inflicted upon the Waikato. If we wait the arrival of reinforcements from England, the opportunity of trampling out the insurrection before it has kindled the whole country would be lost.

The advantages which would result from the success of the plan now submitted to your Excellency would be many, both temporary and permanent.

1st. The Government would speedily be able to supply the place of those men now under arms, who are not well fitted for the service, with a more efficient body of men.

2nd. The difficulties in the way of the commissariat would be in a great measure removed, and the daily wants of the people could be supplied.

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3rd. The whole of the troops might be relieved from keeping possession of the country in the General's rear, and from all escort and garrison duty, instead of, as now, partially only.

4th. A valuable contingent for active service, wherever required, would be added to the forces under the General's command in the field.

5th. The forests between Auckland and the Waikato, now infested with natives bent on destruction, pillage, and murder, and who lose no opportunity of making incursions into settled districts, might be scoured, and to a great extent kept clear, without impairing the efficiency or reducing the numbers of the forces engaged in operations against the main body of the enemy.

6th. A frontier line, to the south of Auckland, might be taken up and permanently guarded by men, capable, with little assistance, of resisting the attacks of troublesome natives beyond it.

7th. Security would be afforded within that frontier line to peaceable and well-disposed settlers of both races.

8th. A gradual, and speedily a great, reduction in the military expenditure now absolutely essential to maintain even a footing in the country might take place.

9th. Efforts could be made, with a reasonable hope of success, to civilize and improve the condition of the native people.

10th. The colonists would, with what they believed to be a satisfactory and permanent peace established, cheerfully fulfil the promise made by the General Assembly to undertake the responsibility of native affairs.

The civilization and improvement of the native race is a matter of deep importance, essential indeed in policy and justice. The great obstacle to success has hitherto been that they have been generally impressed with the belief that all we have attempted to do for them has been the result of our fears; the price we paid for peace. They have from the foundation of the Colony known that their consent to the cession of territory for the establishment of settlements was necessary; of late years the disaffected and turbulent among them have come to imagine that our tenure of the ceded districts depends upon their will. No delusion can be more fatal to their civilization and prosperity.

In our opinion it is fortunate that the struggle, which events have now shown to be inevitable, will take place between the strongest British settlement in the northern island and the most warlike, powerful, and influential native tribes. To punish an inferior tribe would have no material effect on the bulk of the native population. It is now indispensable that an example should be made, both justice and policy require that Waikato should afford it: justice, because they have been the heart of the insurrection, the abettors and perpetrators of barbarous murders and desolation, without a shadow or even pretence of an excuse; policy, because no tribe will venture to hope that resistance can be effectual against the power that has humbled Waikato. Their punishment will eventually command peace throughout New Zealand.

A march into the Waikato, however successfully accomplished, and the winning of battles there, would not do all that is needed to secure a permanent peace. The natives are fond of war, and have but little to risk besides their land, and as the practice has hitherto been to give up that and allow them to keep all the plunder they could get, a feeling has sprung up that by war they have everything to gain and but little or nothing to lose. The only real punishment we could inflict has been hitherto scrupulously withheld.

It is now absolutely necessary that this feeling should be removed.

We now propose to settle such a population in the Waikato districts as will form a barrier against the future incursions of the tribes at present inhabiting them. The lands of the tribes now in arms against us will be sufficient for the establishment of several strong settlements, which will effectually secure the quiet of that part of the country. To people this country, we propose without delay to raise, if possible, at least 5,000 men fit for the work.

It must not be supposed that, however just such a measure might be, it is proposed to deprive the Waikato tribes of all their land. There will be amply sufficient land left them for all useful purposes. The settlements contemplated might all be established, and the required barrier be formed, and hundreds of thousands of acres still be left for their occupation.

Those natives in the country between Auckland and the frontier who shall not have implicated themselves in the rebellion would be entitled to and must receive kind and considerate treatment. It will be essential that they should be placed on precisely the same footing as Europeans, and their lives and property protected by the same laws.

After the settlement of the present difficulty with the Waikato tribes a similar plan, suitable to the nature of the country, must be carried out with the rebellious tribes of Taranaki.

This example, we believe, will be sufficient. It will be an effectual warning to all other tribes; especially if it be distinctly and authoritatively announced to them that a like offence will entail a like punishment. The present will be the first occasion in which an aboriginal native of New Zealand will be deprived of a foot of land against his will, and we feel assured that it will be the last. The colonists have never desired thus to acquire land. Self-preservation now renders it necessary, and we fully believe that that imperious law of nature will not demand another similar sacrifice; one example will suffice.

If a punishment so severely felt and so much dreaded by the natives as the confiscation of their lands were not to be inflicted, it is very possible, even though Waikato had been conquered in war, that some of the powerful tribes about the east cape might still risk the chances of another insurrection. The only prevention appears to us to be, the example of the evil consequences to the insurgents that the confiscation of the Waikato and Taranaki lands will hold up to all the other tribes of New Zealand.

To give practical effect to these views, we submit to your Excellency for approval, regulations, of which a draft accompanies this memorandum, and propose under them to seek to obtain the services of 5,000 men from Australia and Otago. We purpose to exclude men of the northern island, because otherwise we should but weaken one point to strengthen another where all require strengthening alike. Additional population in the northern island is the remedy we trust in to cure existing evils.



One defect will doubtless occur to your Excellency in the scheme as above described. It is that the population thus introduced will be wholly of the male sex. This point has not escaped our notice. We are fully alive to all the evils which result from a very great disproportion of the sexes in any country. But we have come to an understanding with the Provincial Government of Auckland as to the means of counteracting this necessary concomitant of the scheme. The Superintendent of Auckland (who warmly enters into the plan, and has undertaken to provide at once a sum of fifteen thousand pounds and aid in its execution) proposes that a sufficient portion of a sum of 200,000*l.* to be raised under the Auckland Loan Act 1862, for immigration purposes, shall be devoted to the introduction of female immigrants only, as soon as they can be safely located on the lands; so that the numerical balance of the sexes, disturbed for awhile by the influx of the military settlers, may be restored at the earliest possible period.

To carry out the foregoing scheme, if approved by your Excellency, we intend to send a member of the Government to establish agencies: and we recommend that your Excellency should be pleased to request the favourable countenance of the scheme from the Governors of the Australian Colonies.

We propose to frame regulations upon the same principles adapted to men of Her Majesty's regular forces and the militia. The details of the present regulations will require alterations for this purpose, and these we propose to make without delay and submit to your Excellency's approval.

(Signed) ALFRED DOMETT.

Auckland, July 31, 1863.

Enclosure 2 in No. 31.

Encl. 2 in  
No. 31.

#### VOLUNTEER MILITIA SETTLERS.

Colonial Secretary's Office, Auckland, August 3, 1863.

HIS Excellency the Governor has been pleased to direct the publication, for general information, of the following conditions upon which land situated in the Waikato district will be granted to volunteer militiamen in the province of Auckland.

ALFRED DOMETT.

#### NEW ZEALAND.

Conditions upon which land in the Waikato country, in the province of Auckland, will be granted to volunteer militiamen willing to perform the after-mentioned military services:—

1. No man above the age of 40 years will be accepted, and every applicant will be subject to an examination by an officer appointed by the Governor, and must produce such certificates of good character, health, and general fitness for the service as such officer shall require.
2. Each accepted applicant will be required to sign a declaration and agreement to the effect that he understands and will be bound by and fulfil these conditions.
3. He will be enrolled and required to serve in the militia in the province of Auckland, and will be entitled to pay, rations, and allowances accordingly, until he is authorized by the Government to take possession of his land, when he will be relieved from "actual service."
4. Settlements will be surveyed and marked out at the expense of the Government.
5. Each settlement will comprise not less than 100 town allotments and 100 farm sections.
6. A stockade on the most eligible site in each settlement will be erected at the expense of the Government.
7. A town will be laid out around, or as near as conveniently may be to the stockade, in one acre allotments.
8. Farms will be laid out around, or as near as conveniently may be to the town. The size of the farm sections allotted to each will be according to his rank in the militia:—

|                     |   |   |           |                |   |   |          |
|---------------------|---|---|-----------|----------------|---|---|----------|
| For a Field Officer | - | - | 400 acres | For a Serjeant | - | - | 80 acres |
| „ Captain           | - | - | 300 „     | „ Corporal     | - | - | 60 „     |
| „ Surgeon           | - | - | 250 „     | „ Private      | - | - | 50 „     |
| „ Subaltern         | - | - | 200 „     |                |   |   |          |

9. Every settler under these conditions, who upon being relieved from actual service receives a certificate of good conduct, will be entitled to one town allotment and one farm section.
10. Priority of choice for each rank will be determined by lot.
11. After taking possession he will be entitled to receive rations, free of cost for 12 months, upon the same scale as supplied to Her Majesty's troops; he will be allowed to retain possession, as a militiaman, of his arms and accoutrements, and he will be supplied with ammunition for use according to militia regulations.
12. No settler after taking possession will be permitted during the first three years after his enrolment under these conditions to absent himself from his settlement for more than one calendar month in any one year, without the leave of the Governor first obtained.
13. During such three years he will be liable to be trained and exercised as other militiamen; and whenever a portion only of the militia shall be called out for actual service each settler will be deemed to be a volunteer militiaman, and will be required to serve as such within the province. During such service he will be entitled to the same pay, rations, and allowances as other militiamen.
14. On the expiration of three years from his enrolment, each settler having fulfilled the conditions, but not otherwise, will be entitled to a Crown grant of the town allotment and farm section allotted to him, and will thenceforth be subject only to the same militia services as other colonists.
15. Any settler will be permitted to dispose of his land to any person approved of by the Government, and such person undertaking to be subject to the same liabilities will be entitled to the same privileges as the settler whose place he takes.
16. In case of the death of any settler before he shall have become entitled to his Crown grant, the land to which he is entitled will be granted to his wife or children, or to such other person as he shall

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by writing appoint, or it may be taken by the Government for the location of another settler under these conditions, or for any other purpose, but the value thereof in such latter case will be determined by valuation, and the amount paid by the Government to the settler's widow or children, or other person appointed as aforesaid.

*Form of Declaration and Agreement.*

I do hereby declare that I fully understand the "Conditions" hereunto annexed, and I do engage and agree to be bound thereby, and punctually on my part to fulfil all the terms thereof.

MILITARY AND NAVAL SETTLERS.

Colonial Secretary's Office, Auckland, August 3, 1863.

His Excellency the Governor has been pleased to direct the publication, for general information, of the following conditions upon which land situated in the Waikato district will be granted to military and naval settlers.

ALFRED DOMETT.

NEW ZEALAND.

Conditions upon which land situate in the Waikato country, in the province of Auckland, will be granted to military and naval officers, non-commissioned officers, privates, marines, and seamen of Her Majesty's service who may be desirous of becoming settlers willing to perform the after-mentioned military services:—

1. Every non-commissioned officer, private, marine, and seaman, must produce to an officer appointed by the Governor a certificate from the officer under whom he may have served of good conduct, and also a certificate from a surgeon approved of by the Governor of good health and general fitness for the service.

2. Every settler will be required to sign a declaration and agreement to the effect that he understands and will be bound by and fulfil these conditions.

3. He will be enrolled according to his rank in the army or navy, and required to serve in the militia, and he will be entitled to pay, rations, and allowances accordingly, until he is authorized by the Government to take possession of his land, when he will be relieved from "actual service."

4. Settlements will be surveyed and marked out at the expense of the Government.

5. Each settlement will comprise not less than 100 town allotments and 100 farm sections.

6. A stockade on the most eligible site in each settlement will be erected at the expense of the Government.

7. A town will be laid out around, or as near as conveniently may be to the stockade, in one acre allotments.

8. Farms will be laid out around, or as near as conveniently may be to the town. The size of the farm section allotted to each will be according to his rank in the army:—

|                    |   |   |     |       |               |   |   |    |       |
|--------------------|---|---|-----|-------|---------------|---|---|----|-------|
| To a Field Officer | - | - | 400 | acres | To a Serjeant | - | - | 80 | acres |
| " Captain          | - | - | 300 | "     | " Corporal    | - | - | 60 | "     |
| " Surgeon          | - | - | 250 | "     | " Private     | - | - | 50 | "     |
| " Subaltern        | - | - | 200 | "     |               |   |   |    |       |

And like quantities to corresponding ranks in the navy.

9. Every settler under these conditions will be entitled to one town allotment and one farm section.

10. Priority of choice for each rank will be determined by lot.

11. After taking possession he will be entitled to receive rations, free of cost, for 12 months, upon the same scale as supplied to Her Majesty's troops; he will be allowed to retain possession, as a militiaman, of his arms and accoutrements, and he will be supplied with ammunition for use according to militia regulations.

12. No settler after taking possession will be permitted during the first three years after his enlistment in the militia to absent himself from his settlement for more than one calendar month in any one year without the leave of the Governor first obtained.

13. During such three years he will be liable to be exercised as a militiaman; and whenever a portion only of the militia shall be called out for actual service, each settler shall be deemed to be a volunteer militiaman, and will be required to serve as such in the province. During such service he will be entitled to the same pay, rations, and allowances as other militiamen.

14. On the expiration of three years from his enrolment, each settler, having fulfilled the conditions, but not otherwise, will be entitled to a Crown grant of the town allotment and farm section allotted to him, and will thenceforth be subject only to the same militia services as other colonists.

15. In the case of any officer or man who shall have served in the present war, the three years will be allowed to be reckoned from the day on which such service commenced.

16. Any settler will be permitted to dispose of his land to any person approved of by the Government; and such person undertaking to be subject to the same liabilities will be entitled to the same privileges as the settler whose place he takes.

17. In case of the death of any settler before he shall have become entitled to his Crown grant, the land to which he is entitled will be granted to his wife or children, or to such other person as he shall by writing appoint; or, may be taken for the location of another settler under these conditions, or for any other purpose, but the value thereof in such latter case will be determined by valuation, and the amount paid by the Government to the settler's widow or children, or other person appointed as aforesaid.

*Form of Declaration and Agreement.*

I do hereby declare that I fully understand the "Conditions" hereunto annexed, and I do engage and agree to be bound thereby, and punctually on my part to fulfil all the terms thereof.



## SETTLERS GENERALLY.

Colonial Secretary's Office, Auckland, August 3, 1863.

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His Excellency the Governor has been pleased to direct the publication, for general information, of the following conditions upon which land situated in the Waikato country, in the province of Auckland, will be granted to settlers willing to perform the after-mentioned military services.

ALFRED DOMETT.

## NEW ZEALAND.

Conditions upon which land in the Waikato country, in the province of Auckland, will be granted to settlers willing to perform the after-mentioned military services:—

1. No man above the age of 40 years will be accepted, and every applicant will be subject to an examination by an officer appointed by the Governor, and must produce such certificates of good character, health, and general fitness for the service, as such officer shall require.

2. Each accepted applicant will be provided, at the expense of the Government, with a passage to Auckland. Before embarkation he will be required to sign a declaration and agreement to the effect that he understands and will be bound by and fulfil these conditions.

3. On arrival at Auckland, the men will be enrolled in the militia for service in the province, and formed into companies, constituted as nearly as may be as follows:—

1 Captain, 1 Subaltern, 5 Serjeants, 5 Corporals, 100 Privates.

4. Each man according to his rank will be entitled to pay, rations, and allowances, until he is authorized by the Government to take possession of his land, when he will be relieved from "actual service."

5. Settlements will be surveyed and marked out at the expense of the Government.

6. Each settlement will comprise not less than 100 town allotments, and 100 farm sections.

7. A stockade on the most eligible site in each settlement will be erected at the expense of the Government.

8. A town will be laid out around, or as near as conveniently may be to the stockade in one acre allotments.

9. Farms will be laid out around, or as near as conveniently may be to the town. The size of the farm section allotted to each will be according to his rank in the militia,—

|                     |   |   |            |                |   |   |           |
|---------------------|---|---|------------|----------------|---|---|-----------|
| For a Field Officer | - | - | 400 acres. | For a Serjeant | - | - | 80 acres. |
| " Captain           | - | - | 300 "      | " Corporal     | - | - | 60 "      |
| " Surgeon           | - | - | 250 "      | " Private      | - | - | 50 "      |
| " Subaltern         | - | - | 200 "      |                |   |   |           |

10. Every settler under these conditions, who, upon being relieved from actual service, receives a certificate of good conduct, will be entitled to one town allotment and one farm section.

11. Priority of choice for each rank will be determined by lot.

12. After taking possession he will be entitled to receive rations, free of cost, for 12 months, upon the same scale as supplied to Her Majesty's troops; he will be allowed to retain possession, as a militiaman, of his arms and accoutrements, and he will be supplied with ammunition for use according to militia regulations.

13. No settler after taking possession will be permitted, during the first three years after his enrolment in the militia, to absent himself from his settlement for more than one calendar month in any one year without the leave of the Governor first obtained.

14. During such three years he will be liable to be trained and exercised as other militiamen; and whenever a portion only of the militia shall be called out for actual service, each settler will be deemed to be a volunteer militiaman, and will be required to serve as such within the province. During such service he will be entitled to the same pay, rations, and allowances as other militiamen.

15. On the expiration of three years from his enrolment each settler, having fulfilled the conditions, but not otherwise, will be entitled to a Crown grant of the town allotment and farm section allotted to him; and will thenceforth be subject only to the same militia services as other colonists.

16. Any settler will be permitted to dispose of his land to any person approved of by the Government; and such person undertaking to be subject to the same liabilities will be entitled to the same privileges as the settler whose place he takes.

17. In case of the death of any settler before he shall have become entitled to his Crown grant, the land to which he is entitled will be granted to his wife or children, or to such other person as he shall by writing appoint; or it may be taken for the location of another settler under these conditions, or for any other purpose, but the value thereof in such latter case will be determined by valuation, and the amount paid by the Government to the settler's widow or children, or other person appointed as aforesaid.

*Form of Declaration and Agreement.*

I do hereby declare that I fully understand the "Conditions" hereunto annexed, and I do engage and agree to be bound thereby, and punctually on my part to fulfil all the terms thereof.

NOTE.—The pay of the militia and volunteers serving in the province of Auckland is as follows:—

|             |   |   |                    |           |   |   |                   |
|-------------|---|---|--------------------|-----------|---|---|-------------------|
| Captains    | - | - | 11s. 7d. per diem. | Serjeants | - | - | 3s. 6d. per diem. |
| Lieutenants | - | - | 6s. 6d. "          | Corporals | - | - | 3s. "             |
| Ensigns     | - | - | 5s. 3d. "          | Privates  | - | - | 2s. 6d. "         |

—With rations and other allowances.

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I CONSIDER it essential for the safety of the inhabitants of the northern island of New Zealand that 2,000 men should immediately be raised in Australia or elsewhere for active service in this province. I think, therefore, that the Government should at once attempt to raise these men on the best terms on which they can be got.

My responsible advisers have fully considered the terms on which they believe their best chance of obtaining these men rests.

I shall, therefore, consider it my duty in the present emergency, which is one of great difficulty and danger, to give them all the aid in my power in carrying out that plan upon which they may determine.

August 5, 1863.

(Signed) G. GREY.

No. 32.

No. 32.

COPY of a DESPATCH from Governor Sir GEORGE GREY K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 112.)

Government House, Auckland, August 31, 1863.

(Received November 16, 1863.)

(Answered No. 111, November 24, 1863, page 104.)

My LORD DUKE,

Rangiaohia,  
June 29, 1863.

I HAVE just time to forward by the present mail the copy of the translation of a letter which has been transmitted to me from Waikanae near Wellington.

2. This letter was addressed on the 29th June by Chiefs of Waikato to the natives near Wellington, informing them that in the month of July they intend to clear off the Europeans in the Province of Auckland, and calling upon the natives in the South to do the same near Wellington.

3. I should add that the war song in this letter is that which they sent to Taranaki in April last, to induce the natives there to murder Europeans in that province, and which actually caused the murders of two officers and nine soldiers on the 4th of May last.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Encl. in No. 32.

Enclosure in No. 32.

Rangiaohia, Waikato, June 29, 1863.

Go O our letter to the Tainui, to Herewini Te Tihi, to Hapi Whitipatata, to Wi Tako Ngatata, to Tupe Otu, to Hohua Te Ngairo, at Wairarapa, and to you all.

Friends, salutations to you all in the grace of God. Hearken. Another moon has arisen, it is *Whitikareia*. Listen, all men in this island, whether on the side of the King or of the Queen. The *Ia* and Auckland will be opened (attacked) immediately after this letter. The law of God is completed, the law of man is yet to be done.

Friends, this is what we have to say to you, in reply to your request that we should give you some advice. Enough upon that. This is another word "kae the yard cleaner" (a proverb). You clean out your yard and we will clean out ours (*i.e.* you clear off the Pakehas from your part, and we will do so from ours). It will rest, however, with yourselves to decide about your part. Consider the matter carefully, and if you see that it is right, well and good; if, on the contrary, you judge it to be wrong, look this way to the *Ia*.

Enough upon that subject.

This is a *Ngeri* (war song).

Red plume, red plume,  
Plume of the *Kaka*!  
Rehearse it a *Kawhia*.  
Cartridge one, three, four, O, Matamata!  
Lay hold, and bring the strong  
Eight stranded cord  
That cannot be unfastened.  
Grasp firm your weapons;  
Strike! Fire!

To Heremia Te Tihi and  
Wi Tako Ngatata, at Otaki.

Let it be taken on at once, quickly.

FROM POROKONI TITIPA,  
TAATI TE WARU.



## No. 33.

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—  
No. 33.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 116.)

Government House, Auckland, October 2, 1863.

(Received December 14, 1863.)

MY LORD DUKE,

(Answered No. 120, December 26, 1863, page 105.)

I HAVE the honour to transmit, for your Grace's information, certified copies of the evidence\* taken at the Coroner's inquests held on the bodies of the following settlers in New Zealand who have been recently killed by the natives :—

\* Not printed.

William Cory Scott, who was shot by the natives at his farm at Pukekohe on the 27th of August last.

Hugh M'Lean, who was shot by the natives on the 14th of September last at Hamilton's farm.

Robert Watson, a boy aged fifteen years, who was shot by the natives at Burt's farm on the 14th September.

2. These and other transactions of the same sad nature, which it will be my duty to report to your Grace, will show the shocking nature of the contest which the natives are carrying on against the European inhabitants of this country.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

(Signed) G. GREY.

## No. 34.

No. 34.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 120.)

Government House, Auckland, October 3, 1863.

(Received December 14, 1863.)

MY LORD DUKE,

(Answered No. 119, December 26, 1863, page 105.)

I HAVE the honour to enclose, for your Grace's information, the copy of a letter I have received from Lieutenant-General Cameron, C.B., enclosing a report from Captain Cook, 40th regiment, relative to a sudden attack made on the 25th August by a large body of rebel natives upon a party of 25 men of the 40th regiment, engaged in road making upon the Great South Road.

Lt.-Gen.  
Cameron to  
Sir G. Grey.  
August 26,  
1863.

2. Lieutenant-General Cameron, as your Grace will observe, speaks in high terms of the conduct of Captain Cook on this occasion, as also of the several officers mentioned in the enclosed reports.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

(Signed) G. GREY.

## Enclosure in No. 34.

Encl. in No. 34.

SIR,

Head Quarters, Queen's Redoubt, August 26, 1863.

I HAVE the honour to forward, for your Excellency's information, the copy of a report which I have received from Captain Cook, 40th regiment, relative to a sudden attack made by a large body of rebel natives upon a party of 25 men of the 40th regiment, employed under Mr. Martyn in felling bush on the Great South Road, near Williamson's clearing.

I regret to state that two men were killed, and nearly the whole of the arms belonging to the party taken possession of by the enemy, and more lives must have been lost but for the timely assistance rendered by the escort under the command of Captain Cook, whose conduct on the occasion was most praiseworthy.

The officers mentioned in Captain Cook's report, who commanded the different posts along the road, deserve great credit for the promptitude with which they hastened in support.

Your Excellency will observe that we had only one man hit after the arrival of the escort, although the enemy continued firing for upwards of an hour.

Had the men employed in felling the bush been protected by a covering party, according to my directions, this occurrence in all probability would not have taken place.

I have, &amp;c.

His Excellency Sir George Grey, K.C.B.,  
&c. &c. &c.(Signed) D. A. CAMERON,  
Lieut.-General.

NEW  
ZEALAND.

Sub-Enclosure.

Queen's Redoubt, August 25, 1863.

SIR,

I HAVE the honour to report, for the information of the Lieutenant-General Commanding, that when returning from Baird's farm in command of the escort with the convoy from Drury this day, on arriving at Williamson's clearing, I heard firing in my front, and on proceeding to the spot found that my advance guard was engaged in the immediate vicinity of the road with a party of Maoris. The main body of my escort rushed up, and we quickly drove the enemy into the bush. It appears that a party consisting of 25 men of the 40th regiment, under a non-commissioned officer, were employed in felling bush near the road; they had left their arms piled on the edge of the road under charge of a sentry. Suddenly a number of Maoris rushed upon the arms and took possession of them, the sentry firing at them. The Maoris had surrounded the men in the bush, and had shot two men dead when my advanced guard came up and engaged them. Reinforcements from Williamson's clearing, Martyn's farm, Kerr's farm, and Razor Back, as well as a party of 30 men of the escort proceeding to Drury under Captain Bishopp, Transport Corps, with Assistant-Surgeon Carberry, 2 B. 14th regiment, joined me shortly after the firing commenced, and we skirmished with the enemy for about an hour and a quarter, driving them into the bush, and following them in for a short way. A party of the 65th regiment, under Captain Ord, endeavoured to get behind the Maoris and cut off their retreat, but were unsuccessful.

The casualties of the troops under my command consisted of one man, 2 B. 18th regiment, wounded. The loss of the Maoris appears to have been one man killed and left on the field, and five men wounded and carried away.

Two rifles, a few muskets, some tomahawks, ammunition, &c., fell into our hands.

I beg to bring to the notice of the Lieutenant-General Commanding the services of Captain Ord, 65th regiment, Captain Bishopp, 2 B. 18th regiment, Lieutenant Warren, 65th regiment, commanding at Kerr's farm, Lieutenant Thacker, 2 B. 18th regiment, commanding at Williamson's clearing. Lieutenant Clarke, Madras Cavalry, attached to Transport Corps, and Lieutenant Pagan, 65th regiment, and Ensign Haines, 2 B. 18th regiment, who were with the escort under my command.

The whole of the officers and men behaved extremely well.

Judging from the enemy's fire, I should say there were at least 200 of them.

The Assistant-Military Secretary,  
&c. &c. &c.

Head Quarters.

I have, &c.  
(Signed) A. COOK, Captain,  
40th Regiment.

No. 35.

No. 35.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 121.)

Government House, Auckland, October 3, 1863.

(Received December 14, 1863.)

MY LORD DUKE,

(Answered No. 119, December 26, 1863, page 105.)

Lt-Gen.  
Cameron, C.B.,  
to Sir G. Grey,  
Sept. 4, 1863.

I HAVE the honour to transmit, for your Grace's information, the copy of a letter I have received from Lieut.-General Cameron, enclosing reports from Ensign Dawson, 2nd battalion Royal Irish, and from Captain the Hon. F. Le Poer Trench, 40th regiment, containing the particulars of an attack made by the natives upon one of our patrols near the village of Pokeno, upon the 2nd ultimo.

2. Lieut.-General Cameron reports that the conduct of Ensign Dawson and Captain Trench, and of the detachments under their command, were such as to reflect the greatest credit upon them.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Encl. in No. 35.

Enclosure in No. 35.

SIR,

Head Quarters, Queen's Redoubt, September 4, 1863.

I HAVE the honour to forward, for your Excellency's information, the copy of a report from Ensign Dawson, 2nd battalion Royal Irish, of an attack made upon the patrol under his command, near the village of Pokeno, on the morning of the 2nd inst.; with one from Captain the Hon. F. Le Poer Trench, 40th regiment, whom, on hearing the firing, I ordered to proceed in support with the inlying picquet from the Queen's Redoubt.

The gallantry of Ensign Dawson and his patrol in charging the enemy without hesitation, when fired upon suddenly from the bush, their steadiness when they found themselves nearly surrounded by superior numbers, and the manner in which Captain Trench brought up his support and assisted in putting the enemy to flight, reflect great credit upon those two officers and the detachment under their command, which consisted of parties of the 2nd battalion 18th, 40th, and 65th regiments.

His Excellency Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) D. A. CAMERON,  
Lieut.-General.



SIR,

Queen's Redoubt, September 4, 1863.

NEW  
ZEALAND.

I HAVE the honour to report, for the information of the Lieut.-General Commanding, that on the morning of the 2nd September, I was subaltern in charge of the Pokeno picquet, consisting of two sergeants and 60 rank and file, leaving Queen's Redoubt at about 7 o'clock a.m. When within about half a mile of the village, I was attacked in my rear by a body of Maoris. I ordered my men to face about and charge them. We drove them down a gully towards the swamp into the bush on the right of Pokeno village, I followed them for about half a mile along the track towards Paparoa. Hearing yells in the direction of the village, I returned along the track to the open ground where I was first fired on.

On arriving there I was received with a volley from the enemy, who were extended across the whole of the clearing then between me and the village, and also from the bush on the right. I cannot too highly praise the steady conduct of the men at this moment, the enemy appearing in great force. I ordered the men to remain in skirmishing order, and to keep up a steady fire, taking advantage of any cover the ground afforded. From the commotion I occasionally perceived, I conclude that our fire was effectual, and that the Maoris were removing their wounded. I remained in the position I had taken up until reinforced by Captain the Hon. F. Le P. Trench, 40th regiment, who then assumed the command, and by his order I advanced with the skirmishers.

I have, &amp;c.

The Assistant Military Secretary,  
&c. &c. &c.  
Head Quarters.

(Signed) CHARLTON DAWSON,  
Ensign 2nd Batt. 18th Royal Irish.

SIR,

Queen's Redoubt, September 4, 1863.

I HAVE the honour to report, for the information of the Lieut.-General Commanding, that at about half-past 7 o'clock, on the morning of the 2nd, I was ordered to march the inlying picquet to the support of the patrol at Pokeno village; when within about half a mile from the village I found the patrol under the command of Ensign Dawson, 2nd battalion 18th regiment, engaged with a body of Maoris, who, at that time, occupied the bush on the right of the village and the clearing on the side of it, which is covered with fallen timber. I immediately reinforced the skirmishers, who advanced, driving the Maoris from the clearing, and out of the village into the bush. After scouring the bush on the right of the village, the enemy having made their retreat in that direction, and deeming that further pursuit was useless, I returned to the Queen's Redoubt; in the meantime the force under my command had been augmented by the arrival of the escort under the command of Captain Noblett, 2nd battalion 18th. I am happy to be able to state that there were no casualties on our side, and that both officers and men behaved with the greatest steadiness. I am unable to compute the loss on the part of the Maoris. Two flint guns and some ammunition fell into our hands.

I beg to bring to the notice of the Lieut.-General Commanding, the services of Ensign Spiller, 65th regiment, Ensign Gomez, 40th regiment, Lieutenant Croft, 2nd batt. 18th regiment, who accompanied the inlying picquet, and more especially the conduct of Ensign Dawson, 2nd batt. 18th, who had to contend against a force of Maoris far superior in numbers to the patrol under his command.

I have, &amp;c.

The Assistant Military Secretary,  
&c. &c. &c.  
Head Quarters.

(Signed) F. Le P. TRENCH,  
Captain 40th Regiment.

No. 36.

No. 36.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 122.)

Government House, Auckland, October 3, 1863.

(Received December 14, 1863.)

MY LORD DUKE,

(Answered No. 119, December 26, 1863, page 105.)

I HAVE the honour to transmit for your Grace's information a copy of a letter I have received from Lieut.-General Cameron forwarding a Report from Lieut. Talbot, of the 65th regiment, detailing the particulars of an attack by the natives upon a military post at the Razor Back on the Great South Road.

Lt.-Gen.  
Cameron. C.B.  
to Sir G. Grey,  
Sept. 8, 1863.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Enclosure in No. 36.

Encl. in No. 36.

SIR,

Head Quarters, Queen's Redoubt, September 8, 1863.

I HAVE the honour to forward for your Excellency's information, the accompanying Report from Lieutenant Talbot, 65th regiment, in command of the post at Razor Back, on the Great South Road.

I have, &amp;c.

His Excellency Sir George Grey, K.C.B.,  
&c. &c. &c.

(Signed) D. A. CAMERON,  
Lieut.-General.

NEW  
ZEALAND.

SIR,

Razor Back Stockade, September 8, 1863.

I HAVE the honour to report for the information of the Lieut.-General Commanding, that this morning, about 10 o'clock, one of my sentries, who was posted about sixty yards from the stockade, discovered a Maori stealing upon him through the bush. The sentry at once gave the alarm by firing at him, when the fire was returned by a number of natives, who had taken up a position on a partly cleared hill, about one hundred yards from the stockade.

On the first alarm the men of the detachment under my command were quickly at their posts, and kept up a steady fire upon the ground occupied by the Maoris, who found excellent cover behind the stumps and felled timber.

About a quarter of an hour after the first shot was fired, Ensign Ducrow, with forty men of the 40th regiment, joined me from Rhodes' Clearing, and dividing his force into two parties they occupied commanding positions on the road.

I then, having left Lieut. Pagan, 65th regiment, in command of the stockade, took half of my detachment and advanced on the natives, who after firing a few shots retired in haste. Owing to the nature of the ground I was unable to overtake them, and after having followed their track for about half-a-mile through the bush I returned to the stockade, where I found Lieut. Toker, 65th regiment, who had arrived with half of his detachment from Williamson's Clearing.

Throughout the attack I received the greatest assistance from Lieut. Pagan, 65th regiment, and Ensign Ducrow, 40th regiment, and I beg to bring the conduct of these officers to the favourable notice of the Lieut.-General Commanding.

During the firing Serjeant Anderson, and six men of the mounted defence force, who were proceeding to Papakura, joined me, and, having picketted their horses by the stockade, accompanied me as volunteers into the bush.

Lieut. Toker, with his reinforcement arrived most opportunely, and was prepared to give me any assistance I might require.

I am happy to be able to state that owing to the cover afforded by the stockade I have no casualties to report. The Maoris, as usual, fired high, their bullets passing through several of the tents.

I have, &amp;c.

Lt.-Col. Carey, C.B., D.A.G.,  
Queen's Redoubt.

(Signed) J. S. TALBOT, Lieut.,  
Commanding Detachment 65th Regt., Razor Back.

No. 37.

No. 37.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 123.)

Government House, Auckland, October 3, 1863.

(Received December 14, 1863.)

(Answered No. 119, December 26, 1863, page 105.)

Enclosure 1.

MY LORD DUKE,

Lt.-Gen.  
Cameron, C.B.  
to Sir G. Grey,  
Sept. 9, 1863.

Enclosure 2.

Lt.-Gen.  
Cameron, C.B.  
to Sir G. Grey,  
Sept. 11, 1863.

Enclosure 3.

Lt.-Gen.  
Cameron, C.B.  
to Sir G. Grey,  
Sept. 12, 1863,  
enclosing re-  
port from  
Capt. Greaves.

I HAVE the honour to transmit for your Grace's information the copy of letters I have received from Lieut.-General Cameron, C.B., enclosing copies of reports from Lieutenant Butler and Serjeant M'Kenna, 65th regiment, containing the details of an engagement which took place on the 7th of September with rebel natives, who had attacked and destroyed a pa at Cameron Town, in which commissariat supplies had been stored prior to their conveyance to the front in canoes which were to be manned by friendly natives.

2. Your Grace will, I am sure, peruse with great interest the papers I have above named, as also the enclosed report from Captain Greaves, Acting Deputy Assistant Quartermaster General, who acted as guide to the party under Major Blyth, 40th regiment, which General Cameron despatched in search of men of the 65th regiment dead or missing after the skirmish detailed in the enclosed Reports.

3. Although the number of our officers and men engaged in this affair was small, our loss was very heavy; and a general feeling of admiration, so warmly expressed by General Cameron, has been excited by the bravery and excellent conduct of all engaged, animated as they were by the example of their commander, Captain Swift, of the 65th regiment, who nobly fell on this occasion. The death of this gallant and promising officer is deeply lamented by all who knew him, and is felt to be a great loss to the service.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,

(Signed) G. GREY.

&amp;c. &amp;c. &amp;c.

Encl. 1 in  
No. 37.

Enclosure 1 in No. 37.

SIR,

Head Quarters, Queen's Redoubt, September 9, 1863.

I HAVE the honour to inform your Excellency that about 4 o'clock p.m. on the 7th inst., I received intelligence from Captain Swift, 65th regiment, commanding the redoubt at Tuakau, that the pah at Cameron Town, in which a quantity of commissariat supplies had been stored prior to their conveyance



in canoes to the Bluff by the friendly natives, had been attacked, and the stores captured and destroyed by the insurgents. Captain Swift stated also that he had started with a party of 50 men to scour the bush in the direction of Cameron Town.

As I foresaw the probability of this small party being beset in the bush by superior numbers, I arranged with Captain Sullivan, R.N., that a force of 150 men, under the command of Colonel Murray, 65th regiment, should be embarked without delay in boats at the Mangatawhiri, and proceed to Tuakau, with instructions to move in support of Captain Swift's party.

I herewith enclose an account of the engagement, given me by Lieutenant Butler, 65th regiment, who is now in the Queen's redoubt, having been severely wounded at the commencement of the action.

No report has yet been received from Colour-serjeant MacKenna, on whom the command of Captain Swift's party devolved when both officers were disabled, as that non-commissioned officer is still at Tuakau. He appears to have acted with great judgment and courage, and to have secured the confidence of the men at once by his admirable conduct.

Your Excellency will, I feel sure, share in my admiration of the conduct of the whole of the detachment, animated as they were by the noble example of their commander; and that you will join me in lamenting the loss which the service has sustained by the death of so gallant and promising an officer as Captain Swift.

Colonel Murray, whose report is enclosed, returned with his detachment this morning; and as four men were still missing when he left Tuakau, I ordered a detachment of 100 men of the 40th regiment, under the command of Major Blyth, to march there this morning and occupy the post during the temporary absence of an equal number of its garrison, who were to proceed in search of the missing men.

I forward herewith a copy of the return of the casualties on this occasion.

I have, &c.

(Signed) D. A. CAMERON,  
Lieut.-General.

To his Excellency Sir George Grey, K.C.B.,  
&c. &c. &c.

#### 65TH REGIMENT.

#### NOMINAL RETURN OF CASUALTIES OF THE ABOVE CORPS AT CAMERON.

| Regi-<br>mental<br>No. | Rank and Name.            | Corps. | Age,<br>Years. | Service,<br>Years. | Date of Death. | Place<br>of<br>Death. | Nature of Injury. | Result.       | Remarks.  |
|------------------------|---------------------------|--------|----------------|--------------------|----------------|-----------------------|-------------------|---------------|-----------|
| —                      | Captain Richard Swift     | -      | 65th           | 32                 | 13             | 7th Sept. 1863        | Cameron           | Gunshot wound | Killed.   |
| 3,277                  | Private Robert Bellringer | -      | do.            | 28                 | 9              | do.                   | do.               | do.           |           |
| 1,051                  | do. Stephen Grace         | -      | do.            | 37                 | 15             | do.                   | do.               | do.           |           |
| —                      | Lieutenant Villars Butler | -      | do.            | 23                 | 5              | —                     | do.               | Wounded.      | Severely. |
| 163                    | Private Francis Powell    | -      | do.            | 22                 | 4              | —                     | do.               | do.           | do.       |
| 3,422                  | do. James McLean          | -      | do.            | 27                 | 8              | —                     | do.               | do.           | do.       |
| 3,666                  | do. Michael Bryan         | -      | do.            | 30                 | 10             | —                     | do.               | do.           | Missing.  |
| 2,268                  | do. Thomas Whittle        | -      | do.            | 36                 | 17             | —                     | do.               | do.           | Severely. |

J. MOUAT,  
Deputy Ins.-General, Prin. Medical Officer.

#### Sub-Enclosure in Enclosure 1.

#### STATEMENT made by Lieut. BUTLER, 65TH REGIMENT.

Sub-Enclosure  
in Enclosure 1.

THE firing at Cameron Town was heard at Tuakau a little before 11 a.m. on the 7th, and the friendly pah could be plainly seen in flames. Not long after five friendly natives of Kukutai's people arrived in a canoe, who said they were on the beach near Cameron Town when the rebels attacked the pah. Captain Swift then determined to proceed in the direction of Cameron Town with a party of 50 men. We left Tuakau about half-past 12, and after a march of two hours over a very difficult track, a distance probably of seven miles, we reached a clearing and passed through it to the top of a hill, where we got a view of a few detached whares. Here the track led through some bush. After penetrating this for about 200 yards we heard the Maoris talking. We fancied they were approaching by the track on which we were, and prepared an ambuscade for them, by extending on both sides of the track. Finding the Maoris did not come on as we had expected, Captain Swift ordered the men to fix bayonets. We pushed on from 12 to 20 yards, led by Captain Swift, when at a turn of the track they opened fire on us. They were evidently ready for us, and must have seen us from the pah a long time before we reached them. Captain Swift fell at the first volley. I asked if we should charge. He said—Yes; and when I was doing so about 10 yards in advance of the men, I was brought to the ground. I drew my revolver, and they say that I shot two men with it. Colour-serjeant MacKenna, who was very cool and collected throughout, then took charge of the party, and a skirmish ensued which lasted about 20 minutes, during which he stated that he saw seven Maoris fall. The enemy was driven back 200 or 300 yards. The men remained all night on the ground from which the natives had been driven, excepting the advance guard, which had become separated from us before the engagement. It appears to have shared in the attack, and rejoined the main body shortly before we arrived at the Tuakau redoubt. I am not able to form an opinion of the numbers of the enemy. I scarcely think there could have been 300. Captain Swift died about 6 o'clock that evening. He was shot through one lung and in the side. No one could have behaved better than he did; and the conduct of the men too was admirable. The party started on their return to Tuakau about five next morning, when we were met shortly after by that under the command of Colonel Murray, who had come to support us. He passed on with the view of searching for men who were missing.

NEW  
ZEALAND.

SIR,

I HAVE the honour to report for the information of the Lieutenant-General commanding that,  
\* 2nd battalion 18th regiment.—1 subaltern, 3 sergeants, 50 rank and file.  
65th regiment.—1 field officer, 1 captain, 2 subalterns, 4 sergeants, 2 drummers, 100 rank and file.

Total.—1 field officer, 1 captain, 3 subalterns, 7 sergeants, 2 drummers, 150 rank and file.

The night was too dark to find the track through the difficult country between Tuakau and "Cameron Town," and I consequently deferred further proceedings until daylight. Accordingly I fell in the men at 4 a.m., and directing Captain Ord to proceed with 30 men by water to "Cameron Town," with instructions to co-operate with me, I proceeded by land to the same place. On the way I met Corporal Ryan, who first gave me information that Captain Swift had been killed and Lieutenant Butler badly wounded. I accordingly pushed on as fast as I could, and after proceeding about two miles I met Serjeant MacKenna with about 30 men, who gave me the first information that Captain Swift had fallen into an ambuscade, and a fire had been opened on him on all sides from the bush at a distance of about 8 or 10 yards, and the two officers becoming non-effective the command devolved on him. He then called on the men to stand by him, which he states they obeyed with the utmost alacrity, and under his directions they kept up a steady fire for, as far as I can learn, about an hour.

The firing having ceased by that time, Serjeant MacKenna retired with his little force into the bush, and lay down, keeping perfectly quiet till daylight enabled him to see where he was, and thus make his way to the redoubt. Serjeant MacKenna and his men appearing very much exhausted after their night's exposure, I desired him to return to the redoubt, after receiving from him such description as he could give of where I might be able to find the killed.

Of the wounded or missing (except such as had come in) he could give me no information. I had previously met Lieut. Butler, badly wounded, making his way, with the assistance of two men, to the redoubt, and having put him on a stretcher I detached a party to convey him. I pushed on, and on arriving at the spot where the affair with Captain Swift's party had occurred, I searched the bush for his body, which by Corporal Ryan's description was found after some time. (I beg here to mention that Corporal Ryan and private Bulford remained with Capt. Swift for several hours after he died, and having concealed his body made their way to the redoubt.) Not knowing in what direction to search for the missing men, I returned with the bodies found to the redoubt, which I reached about 2.30 p.m., and finding the steamer there, I sent a request to Capt. Sullivan, H.M.S. "Harrier," to take a portion of my force on board, which he having consented to, I embarked 100 men, and directed Capt. Ord to follow in the boats with the remainder.

The Military Secretary,  
Head Quarters, Queen's Redoubt.

I have, &c.  
(Signed) G. F. MURRAY,  
Major 65th Regt., and Col.

Encl. 2 in  
No. 37.

Enclosure 2 in No. 37.

Lieut.-General CAMERON to the GOVERNOR.

Head Quarters, Queen's Redoubt,  
September 11, 1863.

SIR,

WITH reference to my letter of the 9th instant, relative to the engagement which took place in the bush near Cameron between a party of the 65th regiment under the command of Captain Swift and a body of rebel natives on the 7th instant, I have now the honour to forward the report of Colour-serjeant MacKenna, which has been transmitted to me by Colonel Wyatt, commanding 65th regiment, a copy of whose letter I enclose.

This interesting report fully bears out the opinion I expressed in the letter alluded to above, of the conduct of the officers and men of this detachment.

It is difficult to conceive a more trying position than that in which this detachment was placed, when, deprived of both its officers, it found itself in the midst of a dense bush surrounded on all sides by a savage enemy, and too distant from the nearest post to entertain any hope of support.

The courage, intelligence, and self-reliance for which the soldiers of the 65th regiment are so distinguished were never more conspicuously displayed than on this critical occasion. Fortunately in Colour-serjeant MacKenna the detachment found a commander whose coolness, intrepidity, and judgment justified the confidence placed in him by the soldiers brought so suddenly under his command.

I need scarcely assure your Excellency that it will give me great pleasure to report the meritorious conduct of this detachment to His Royal Highness the Field Marshal Commanding in Chief and to the Right Honourable the Secretary of State for War, and to recommend to special notice the names of Lieutenant Butler, Colour-serjeant MacKenna, and the other non-commissioned officers and soldiers so honourably mentioned by Colonel Wyatt.

I have, &c.  
(Signed) D. A. CAMERON,  
Lieut.-General.

Sub-Enclosure 1 in Enclosure 2.

SIR,

Camp, Queen's Redoubt, September 11, 1863.

IN accordance with the wishes of the Lieut.-General, I have called upon Colour-serjeant E. MacKenna to furnish me with a report of the action at "Cameron" on the 7th instant.

From the corroborative statements made to me by Lieut. Warren, who had ample opportunities of acquiring full information of the various events and places while in command of the detachment, 65th

Sub-Encl. 1 in  
Encl. 2.



regt., that proceeded from the "Alexandra Redoubt" in search of the missing, on the 8th (under Colonel Murray) and subsequently on the 9th, I am perfectly satisfied with the truthfulness of the appended letter.

As acts of daring and gallantry are sure to be appreciated, I trust the Lieut.-General will be pleased to bring this instance to the notice of His Royal Highness the Field Marshal Commanding in Chief for some special mark of approval on the part of Her Majesty, for his gallant conduct, after both his officers had been shot, in charging through the position of an enemy heavily outnumbering him, and drawing off his small force through a broken and rugged country, with the loss of but one man killed and another missing.

As soon as I can obtain the necessary documents from the officer commanding at Tuakau, I will not fail to bring to the notice of the Lieut.-General the gallant conduct of Lance-corporal Ryan and privates William Bulford and John Talbot, who removed the body of their captain from the field of action, and remained with it all night in a bush surrounded by the enemy, and also that of privates Benjamin Thomas and John Cole, who after remaining all night in the fern with Lieut. Butler, who was badly wounded, in the morning carried him several miles towards the 65th camp, until met by the reinforcement under Colonel Murray proceeding to their assistance.

I would also beg to bring to the notice of the Lieut.-General the conduct of drummer Henry Welsh, who, when private Grace was killed, picked up his rifle and emptied his pouch of any ammunition and copper caps under a galling fire, and thus prevented the enemy from obtaining that trophy, and I trust that the cool and determined bravery of the small parties, under the command of Colour-serjeant MacKenna and Serjeant Meara, will be favourably considered and honourably mentioned.

Only one rifle was captured by the enemy, that of private Bellringer, who was killed when with the advance guard, which was then fearfully outnumbered and hardly pressed by the enemy, and slowly retiring in skirmishing order.

I sincerely trust and hope the Lieut.-General will make a favourable mention to His Royal Highness of Lieut. Butler, who in the late and already in the present war has proved himself a most promising officer, and unsurpassed for coolness and conduct under trying circumstances.

From my knowledge of the late Captain Swift, I may safely say that I considered him one of the best officers I ever had the honour of commanding, and one who held a high position in the estimation of every individual in the 65th regiment.

I have, &c.  
(Signed) ALFRED F. W. WYATT,  
Col. and Lt.-Colonel commanding 65th Regiment.

Sub-Enclosure 2 in Enclosure 2.

Sub-Encl. 2 in  
Encl. 2.

SIR,

Alexandra Redoubt, Tuakau,

September 8, 1863.

I BEG to state, for the information of the Lieut.-General commanding, that at 1 o'clock p.m. on the 7th September 1863, I proceeded, under command of Captain Swift, with a force as per margin,\* to attack a party of natives who had set fire to the friendly native pah, erected on the township of Cameron, for the purpose of trying to rescue Mr. Armitage and a party of friendly natives who were known to have been down there, also a quantity of commissariat supplies brought up from Waiuku.

Proceeding in skirmishing order, we arrived at about 2½ o'clock p.m. at the skirt of the bush leading to the ranges on which the pah was situated, and after an half-hour's struggle through the bush we came to a clearing, halting, the captain ordered our half-ration of rum to be distributed, sending on the advance guard immediately after; when, on having proceeded a few hundred yards, it became apparent that the advance guard had lost or struck off the track, but that we had gained it. I then proposed to Captain Swift to advance and act as scout to the party, to which he immediately assented, cautioning me not to proceed more than 30 yards in front of the main body. After advancing in this order for about three-quarters of a mile I observed tracks of natives, and in large numbers; this I pointed out to the captain, and a little farther on I heard the natives in loud debate, on which (expecting that they were returning on the track that we were pursuing) I again informed Captain Swift, who ordered the men to lie down in the bush, at the same time ordering them not to fire until he gave the word of command; however, on finding that the natives were not advancing I crept up to within 12 yards of them, when, from their conversation, I judged they were under the influence of liquor. Captain Swift immediately called to advance, ordering the men to "fix bayonets and charge;" we advanced to within six yards of them when they opened a most terrific fire. Captain Swift and Lieut. Butler were at this time leading on the men, and after receiving the enemy's fire the men gave a cheer and returned it in grand style, Lieutenant Butler shooting down a native on his right, turned his revolver to the left as quick as thought, I saw him come on his knee, at the same time discharging the remainder of the barrels of his revolver, bringing another native down at the same time that he fell himself. Seeing that he was wounded I ordered Corporal Ryan and one of the men to take him to the rear, when he ordered me to lead the men to the front; on turning to my left I found Captain Swift mortally wounded; and after speaking a few words to him he desired me to take his revolver and lead on the men, as at that time I was loading. With one loud huzza we charged, burning to avenge our officers. I now found myself in an open clearing of a few yards, the rebels flying to cover on our front and left, where they opened fire on my small party, who at this time numbered 2 serjeants, 1 bugler, and 35 men. Seeing that we were greatly outnumbered I determined to hold on our position, if possible, until dark, trusting that the men in charge of Capt. Swift and Lieut. Butler had retired well to the rear, and been joined by our lost advance guard; if so, I knew they would be able to make well towards the redoubt before darkness set in, when probably I should be able to join them; but I found at about a quarter to 6 o'clock that the enemy had got round to our rear, thereby cutting off our retreat by the way we came.

NEW  
ZEALAND.

I immediately ordered a charge, but was met by a volley that killed one and wounded three men. On trying again I found it hopeless to attempt it; I therefore determined to retreat down the hill which was covered with fern, and sending on our wounded, I threw out a line of skirmishers, ordering the front rank to "fire and retire." In this order we retired down the hill in a steady and orderly manner, the natives coming out of the bush and raining down a complete shower of bullets on us, when, although we were not above 100 or 150 yards from them, not a man was hit. At this time it was near dark, but we managed to scramble through the bush until at last we lost the track, when I ordered the men around me, and told them I should stay there until morning, ordering not a word to be spoken or a pipe to be lighted. I now found that four of the men were missing, and knowing that it would be completely useless to attempt at that time to find them I determined to wait until morning, hoping in the meantime to hear them about in the bush. At 4 $\frac{3}{4}$  o'clock a.m. on the morning of the 8th we commenced to try and gain a track out of the bush, and at about 8 o'clock a.m. we succeeded, and were met about half way from the redoubt by Colonel Murray and his party, and then learned that our esteemed captain was dead. After detailing a man to return as guide to Colonel Murray I continued my march to the camp,

\* Killed—Capt. Swift; private Bellringer, Richard; private Grace, Stephen.

Wounded—Lieut. Butler, private Powell, private McLane, private Whittle.

Missing—Private Bryan.

which we reached at about 11 o'clock a.m., completely exhausted. I am sorry to report our casualties (as per margin\*) were very great, but taking into consideration the number to which we were opposed, being near seven to one, we have every reason to be thankful that it was

not greater.

I hope it may not appear presumptuous on my part to bear testimony to the cool and gallant manner displayed by the late Captain Swift and Lieutenant Butler in this desperate affair, the captain issuing his command as if on parade, and even when wounded refusing to take one man from the force to take him to the rear, until he was told that I would not be able to keep my position much longer; and Lieut. Butler, even when brought on his knee, in the coolest manner possible deliberately fired the shots from his revolver into a crowd of Maoris.

I need scarcely add that the men behaved most gallantly; in fact it would be impossible to recapitulate the many acts of individual courage, when each man emulated the other in acts of heroic bravery.

I, however, beg to bring to your favourable consideration the valuable assistance I received from Serjeant Bracegirdle, who supported me throughout in a most intrepid manner; as also Lance-corporal Ryan, privates William Bulford, John Talbot, John Cole, and Benjamin Thomas, for the devotion they manifested to their officers, by staying with them until 7.30 p.m. on the night of the 7th instant. Captain Swift died at that time, after which they hid his body in the bush and waited until morning, and then carrying Lieutenant Butler in their arms they returned, meeting Colonel Murray and force; Corporal Ryan returned with Colonel Murray and pointed out the spot in which Captain Swift's body was hid.

I also beg to enclose the report of Serjeant Meara in charge of our advance guard, also a plan of the scene of action.

I should estimate the loss of the enemy to be between 20 and 30 in killed and wounded, seven of whom I myself distinctly saw shot dead and dragged into the bush by the rebels.

W. Hutchins,  
Lieut.-Colonel, Assist. Military Secretary.

I have, &c.  
(Signed) E. MACKENNA,  
Colour-serjeant 65th Regt.

Encl. 3 in  
No. 37.

Enclosure 3 in No. 37.

SIR,

Head Quarters, Queen's Redoubt, September 12, 1863.

Sept. 10. 1863.

I HAVE the honour to forward for your Excellency's information the copy of a report from Captain Greaves, Acting Deputy Assistant-Quartermaster General, who acted as guide to the party, under the command of Major Blyth, 40th regiment, which proceeded from the Queen's Redoubt to Tuakau on the 9th instant, and who subsequently accompanied the party under Lieut. Warren, 65th regiment, from that post to Cameron Town in search of men, dead and missing, after the engagement of the 7th instant.

Captain Greaves' sketch, which I also enclose, shows the track taken by Captain Swift's party from Tuakau to Cameron, and the scene of the skirmish of the 7th September 1863.

His Excellency Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) D. A. CAMERON,  
Lieut.-General.

Sub-Enclosure  
in Enclosure 3.

Sub-Enclosure in Enclosure 3.

SIR,

Queen's Redoubt, September 10, 1863.

I HAVE the honour to report for the information of the Lieut.-General commanding that I guided a party of the 40th regiment under Major Blyth through the bush to Tuakau yesterday. We reached the redoubt about 12 p.m., and I immediately accompanied a party of 100 men of the 65th regiment, under Lieutenant Warren, to Cameron on the Waikato, the scene of the late Maori attack upon the friendly natives' pah, to search for three soldiers of the 65th regiment (one of them known to be dead) who had been left in the bush in that vicinity on the occasion of the fight between Captain Swift's party and the Maoris on Monday last.

We proceeded through the bush on the track likely to be taken by the missing men to Cameron, where we arrived at 3.30 p.m. On the spot where the fight took place we found the body of private Grace, 65th regiment. He had a gunshot wound in the face and cut from a tomahawk in the chin.



The body had been covered over with fern by the party when they left it, and so we found it.

We went down to the pah, which is a miserable affair and totally incapable of being defended, being completely commanded by a hill close to it, and constructed simply of stakes driven into the ground about two or three inches apart, and tied with supple jack at the top. The house and whares inside the pah had been completely gutted, and all kinds of property was scattered over the place.

I went with a few men down to the bank of the river, about 100 yards below the pah. The ground was strewn with bran and corn, the former partially burnt. We found a canoe at the landing place, which I ordered the men not to destroy, fortunately as it turned out afterwards, for it proved the means of saving one of the wounded men, who was close to us in the bush while we were there, and who came up to Tuakau at night in the canoe.

We returned to the scene of the fight, of which I enclose a sketch; fires were still smouldering, and a quantity of potatoes were on the ground, showing that the enemy had been there very lately.

We then proceeded to examine the country in the direction in which the missing men were last seen to go, but found no traces of them. The bush and fern were so dense that we gave up the search as hopeless, and determined to return. We left the ground at 6 o'clock, just as it was getting dark, and carrying the body with us we returned to Tuakau, reaching the redoubt at midnight, the distance being between eight and nine miles.

On arrival we found that one of the missing men had come up the river in a canoe.

From the number of fires, sleeping places, and the extent of ground covered by the Maoris, I am satisfied that there cannot have been less than 200 when they were attacked by poor Captain Swift's party, and it is wonderful, considering the nature of the ground, how, in the face of such a superior force, this party, only 28 in number, at the end succeeded in keeping the enemy in check until their two wounded officers had been safely conveyed to the rear, and how they within 10 yards of the enemy, who were firing at them from the bush, covered up with fern the body of one of their number who was killed, and then retreated in good order, carrying some wounded men with them. Too much cannot be said in praise of the non-commissioned officer in charge and of the men themselves for their gallant conduct on this trying occasion.

Captain Swift when he left his post must have been convinced that the enemy were in force, or they would not have dared to attack what was considered a fortified post, still, notwithstanding the difficulties of the road and the small number of his party, he pushed on to the assistance of the friendly natives, and lost his life while leading his men in a most gallant manner against a force vastly superior in number to his own and posted in a strong position.

I beg to bring to the notice of the Lieut.-General commanding the very excellent manner in which the expedition in search of the missing men was conducted by Lieutenant Warren and the officers and men under his command.

I have, &c.

(Signed) G. R. GREAVES, Captain,  
Acting Dep. Asst. Qr.-Mstr. General.

The Deputy Quartermaster-General, &c.,  
Queen's Redoubt.

True copy.

(Signed) W. J. HUTCHINS,  
Lieut.-Colonel, Asst. Mil. Secy.

No. 38.

No. 38.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 124.)

Government House, Auckland, October 3, 1863.

(Received December 14, 1863.)

(Answered No. 120, December 26, 1863, page 105.)

MY LORD DUKE,

I HAVE the honour to transmit, for your Grace's information, the copies of letters named in the margin, detailing the circumstances under which Mr. Armitage, resident magistrate of the Lower Waikato, was slain by natives on the 7th ultimo.

2. Mr. Armitage was a gentleman of considerable ability, a valuable public servant, and a sincere and faithful friend of the native race, who I am satisfied will generally feel that through the wickedness of some of their countrymen they have sustained in Mr. Armitage's death a severe loss which they will long lament.

I have, &c.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

(Signed) G. GREY.

Enclosures.  
Lt.-Gen.  
Cameron, C.B.,  
to Sir G. Grey,  
Sept. 10, 1863.  
Enclosure 2.  
Mr. R. O.  
Stewart to the  
Col. Secretary,  
Sept. 7, 1863.

Enclosure 1 in No. 38.

Encl. 1 in  
No. 38.

SIR,

Head Quarters, Queen's Redoubt, September 10, 1863.

WITH feelings of deep concern I have to announce to your Excellency the melancholy death of Mr. Armitage, resident magistrate of this district, who, with two other Europeans, was murdered by natives at Cameron Town on the 7th instant.

NEW  
ZEALAND.

I herewith forward a letter I received this morning from Lieutenant Burton, 40th regiment, commanding at the Bluff stockade, detailing the circumstances of this lamentable occurrence, as they were related to him by two friendly natives.

Mr. Armitage had for some time past been engaged in the troublesome and hazardous duty of superintending the transport of supplies for the troops, by the friendly natives, up the Waikato, and since the commencement of hostilities had always acted with me in the most cordial manner for the good of the public service.

The loss of so zealous and useful a public officer is deeply to be regretted.

I have, &c.

His Excellency Sir George Grey, K.C.B., &c. (Signed) D. A. CAMERON, Lieut.-General.

Sub-Enclosure  
in Encl. 1.

Sub-Enclosure in Enclosure 1.

SIR,

Bluff stockade, September 9, 1863 (12 p.m.)

I HAVE the honour to report, for the information of the Lieut.-General commanding, that at about 10 o'clock this evening 10 natives of Wm. Te Wheoro's pa, accompanied by four others of Kukutai's tribe, arrived at the Akaramea pa overland from Taupari, which latter place they left this morning at daylight. These, you will understand, are the natives who were of Mr. Armitage's party on Monday last, and who have up to the present time been missing. I regret to say that they confirm the tidings of Mr. Armitage's death, as also those of the two Europeans known as Robert and William. The former of these was a blacksmith, who acted as clerk to Mr. Armitage; the latter was a carpenter, engaged in erecting a store at Cameron Town.

The circumstances attending their deaths are, as far as I can elicit from two of the most intelligent of the "friendly natives," who witnessed them, are these:—

(The names of these two natives I here mention in the margin.) ["Hawira" and "Eru."]

Mr. Armitage started from the pa adjacent to this post in a canoe with three natives, accompanied by two or three other canoes full of Te Wheoro's tribe, at about 6 o'clock on Monday morning last. On reaching Tuakau, or thereabouts, there was some delay on the part of these other canoes, so that Mr. Armitage got on ahead of them, and reached Cameron Town about half an hour before them, at about half-past 8 o'clock a.m. On arrival Mr. Armitage got out of his canoe, and went over to a house about 200 yards from the bank of the river, where were the two Europeans I have before named. When he reached the house one of the three natives he left behind with the canoe, "Eru," above mentioned in the margin, went off in the direction of the stockade erected at Cameron Town, and occupied by friendly natives under their chief Tokah. He was on his way thither when the enemy opened fire from the bush on the road from and near the river. Enclosed is a rough sketch of the ground, drawn out by the native "Hawira." Where the enemy fired from I have marked X.

Mr. Armitage and the two Europeans, it appears, had returned from the house (marked A) and were on the river bank at this time. The two latter were shot, and fell over the canoe, upsetting it as they fell. Mr. Armitage had got into the canoe when he was shot, falling into the water through the canoe's overturning. The hostile natives dragged his body out of the water, took a portion of the clothes from off it, together with his watch and chain and ring. The bodies of the two other men did not rise to the surface of the water, and have not been heard of since.

The natives who witnessed this then ran into the bush, but came out to meet those natives who were detained in their canoes, and who had by this time arrived. The enemy having re-taken to the bush, the friendly natives fired in the direction they were supposed to have gone; but there does not seem to have been any loss on either side with regard to them. They report that all the stores, consisting of maize, tarpaulings, &c., have been burnt or otherwise destroyed. The number of hostile Maoris they believe to have been about 200. I should have mentioned that the enemy returned the fire of the friendly natives, who continued to fire till they had exhausted all their ammunition, when they retired upon Taupari, which place they reached at about 8 o'clock the same night. The four natives who reached Te Wheoro's pa on Monday did not land at Cameron, but higher up, and were not engaged in the affair.

I have, &c.

The Deputy Quartermaster General, &c., (Signed) H. BURTON, Lieut. 40th Regt.,  
Head Quarters. Commanding Bluff stockade.

Encl. 2 in  
No. 38.

Enclosure 2 in No. 38.

SIR,

Resident Magistrate's Office (Taupari, near Kohanga),

Lower Waikato, September 7, 1863, 12 o'clock, noon.

I HAVE the honour to forward to you the following melancholy intelligence, which has been related to Archdeacon Maunsell and myself by Maoris of the Ngatiwhauroa tribe, just arrived here from the Government store at Iaroa (Cameron Town). These Maoris and two Europeans, William Strand, carpenter, and — Heughan, blacksmith, were on guard and in charge of the stores, which I have been informed consisted wholly of horse forage to the amount of 40 tons, part of the cargo of the "City of Melbourne," now lying within the Waikato Heads. Mr. Armitage, the resident magistrate on this station, had just arrived there this morning early, in a canoe from Te Ia, on his way hither. The Maoris in charge were engaged in loading canoes with the above-mentioned stores, in order to convey them up the river, when suddenly an attack was made upon them by about 100 hostile Maoris, chiefly of the Ngatimaniapoto tribe, they say.

The result of this attack was that Mr. Armitage, Strand, Heughan, a half-caste named Wade, and a Ngatiwhauroa have been killed. They were shot in the canoes.

The Ngatiwhauroa, who numbered only about 20, soon retreated, and arrived here by canoe on the left bank of the Waikato. Besides the above five killed, one of the friendly Maoris is missing.

Four large canoes and the dead bodies have, in addition to the stores, been left in the hands of the rebels.

I send this letter express to Waiuku, Waata Kukutai having supplied that service.



I shall concert with Archdeacon Maunsell and Waata Kukutai as to the recovery of the bodies, if an effort can prudently be made.

NEW  
ZEALAND.

The Honourable the Colonial Secretary,  
Auckland.

I have, &c.  
(Signed) R. O. STEWART,  
Clerk to the Resident Magistracy.

No. 39.

No. 39.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 125.)

Government House, Auckland, October 3, 1863.

(Received December 14, 1863.)

(Answered No. 119, December 26, 1863, page 105.)

MY LORD DUKE,

I have the honour to transmit for your Grace's information copies of letters, and their enclosures, which I have received from Lieutenant-General Cameron, C.B., relative to an attack made by the natives on the Pukekohe stockade upon the 14th September.

Enclosure 1.

Lt.-Gen.  
Cameron, C.B.,  
to Sir G. Grey,  
Sept. 15, 1863.

2. The Lieutenant-General reports that the conduct of all the detachments engaged in this affair was most praiseworthy, particularly that of Captain Inman, 2nd battalion 18th regiment, and the officers and men under his command, for the gallant manner in which they charged the enemy, driving him back into the bush with some loss.

Enclosure 2.

Lt.-Gen.  
Cameron, C.B.,  
to Sir G. Grey,  
Sept. 16, 1863.

3. The Lieutenant-General further reports that the conduct of Lieutenant Grierson, 70th regiment, and the detachment under his command, deserves great praise. I regret to add that in this affair Captain Saltmarshe, 70th regiment, was severely wounded whilst leading on his men to the attack.

I have, &c.

(Signed) G. GREY.

His Grace the Duke of Newcastle, K.G.,

&c.

&c.

&c.

Enclosure 1 in No. 39.

Encl. 1 in  
No. 39.

Lieut.-General CAMERON to the GOVERNOR.

SIR,

Head Quarters, Queen's Redoubt, September 15, 1863.

\* Lieut-Colonel Chapman, 2nd battalion 18th regiment, September 14, 1863.

Major Ryan, 70th regiment, September 14, 1863.

Captain Inman, 2nd battalion 18th regiment, September 14, 1863.

Lieutenant Rait, R.A., September 14, 1863.

The conduct of all the detachments who went to the relief of that post was most praiseworthy, particularly that of Captain Inman, 2nd battalion 18th regiment, and the officers and men under his command, for the gallant manner in which they charged the enemy, driving him back into the bush, with severe loss, from the position he had taken up near the stockade.

The enclosed return, I regret to say, shows several casualties, among whom is Captain Saltmarshe, 70th regiment, who was severely wounded when leading on his men to the attack.

I have, &c.

His Excellency Sir George Grey, K.C.B., &c.

(Signed) D. A. CAMERON, Lieut-General.

SIR,

Camp Drury, September 14, 1863.

I HAVE the honour to forward the reports of Major Ryan, 70th regiment, and Captain Inman, 2nd battalion 18th regiment, respectively commanding the two reinforcements alluded to in my letter of this day's date, ordered by me to proceed to the relief of Captain Moir, commanding detachment

Pitt's volunteer militia, as per margin,† which marched this morning for service at Pukekohe, and from whom I received a report at about 11 a.m. of the two carts with seven days' provisions for 2 officers and 25 men having broken down near the stockade. Captain Inman returned at 6.40 p.m., having left Ensign Phillips and 20 men in the

stockade, at the earnest request of Captain Moir. Major Ryan states that he would have brought this detachment back to this camp, in conformity with my orders to that effect, but for the request of Captain Moir that the men should be permitted to remain there to-night.

I beg to forward the report of Lieutenant Rait, R.A., who returned to camp soon after dusk, having brought in the settlers, and their wives and families, from Burt's farm, according to my instructions, also the boy of 14 years of age, reported to have been killed, but who is severely wounded, and is now in the hospital here under medical treatment. As from what I can hear there appears to be a very limited supply of ammunition at Pukekohe, as well as of provisions, I have the honour to request I may receive instructions whether the detachment of 20 men, under Ensign Phillips, is to remain at Pukekohe, or whether I shall despatch a force to-morrow to march in with them.

From Major Ryan's description of the last two miles to this settlement it would appear necessary

NEW  
ZEALAND.

that a larger force of militia should be sent there, in order to ensure the safety of provisions and ammunition being conveyed thither, and the roads are very heavy and difficult for draft.

I have, &c.

(Signed) A. A. CHAPMAN,  
Lieut.-Colonel commanding 2nd Battalion  
18th Royal Irish, and Troops at Drury.

The Deputy Quartermaster General, &c.,  
Queen's Redoubt.

P.S.—A list of killed and wounded is annexed to Captain Inman's report. Major Ryan did not return till just 10 o'clock p.m. Your letter just received as the orderlies with this were starting.  
12.40 a.m., Sept. 15, 1863.

SIR,

I HAVE the honour to report that in

\* 2nd batt., 18th regiment.—1 captain, 1 subaltern, 1 serjeant, 30 rank and file.

70th regiment.—1 field officer, 1 subaltern, 1 serjeant, 20 rank and file.

1 rank and file Royal Artillery.

65th regiment.—1 serjeant, 12 rank and file; but these last did not accompany me, 7 of them having returned to camp.

stretchers that accompanied my party, and taking back with me the men of the 70th, who were with Captain Inman, he continued his march to Drury.

On arriving at the Pukekohe, Doctor Peake, 2nd batt. 18th regiment, attended immediately to the wounded, and as it was nearly 6 p.m. and the road was extremely bad and difficult for two miles through the bush, Doctor Peake thought it better to remove them at once. We accordingly started without delay, all the wounded being placed in the ambulance, and a dead man of the 65th regiment was carried on a stretcher.

At the earnest request of Captain Moir, Pitt's volunteers, commanding now at Pukekohe, I consented to leave at the stockade the party under Ensign Phillips, 2nd batt. 18th regiment, which Captain Inman had previously ordered to remain there as a reinforcement.

Captain Moir informed me that he considered he could scarcely hold the place, if attacked again in force, unless these men were allowed to remain.

† 18th regiment, 2nd Batt.—1 officer, 1 serjeant, 26 rank and file.

2 officers, 1 serjeant, 35 rank and file—Pitt's volunteers.

1 serjeant, 30 rank and file—settlers.

If it be considered necessary to hold the Pukekohe position, I think it will be found a very troublesome one, both on account of its situation and of the bad state of the road, which runs through bush for the last two miles.

‡ 65th regiment.—1 private dead.

70th regiment.—2 privates dead, 1 captain 3 privates wounded.

The force left under Ensign Phillips were, 1 serjeant, 2 corporals, and 25 privates, 2nd batt. 18th regiment. Captain Moir's force at the stockade consists now of strength as per margin,† but he informed me that the settlers have no ammunition, and that he has only about 40 rounds of spare for his men.

The dead and wounded brought in by me are as per margin.‡

I am, &c.

Lieutenant-Colonel Chapman, commanding,  
Drury.

(Signed) G. A. RYAN, Major 70th Regiment.

P.S.—The natives were still in the neighbourhood of the stockade, as they could be seen just before dusk carrying away their wounded to a house on an opposite hill.

They left six dead on the ground. Captain Moir seemed to think that the natives were 200 or 300 in number.

SIR,

IN accordance with instructions received from you this day, I proceeded to Pukekohe with the

§ Royal Artillery.—7 rank and file.

18th Royal Irish.—1 serjeant, 20 rank and file.

65th regiment.—1 subaltern, 20 rank and file.

70th regiment.—1 captain, 1 serjeant, 20 rank and file.

Total.—1 captain, 1 subaltern, 2 serjeants, 67 rank and file.

I hastened thither, leaving instructions with Capt. Moir to follow us as soon as possible. On arriving within about 100 yards of the stockade I found that the enemy were in position on two sides of it at about 40 yards distance; I also found that, in addition to the usual garrison, a detachment of the 70th regiment, consisting of Lieutenant Grierson and 25 men, had arrived from Shepherd's Bush in the early part of the day; throwing the men into skirmishing order, I advanced in the direction of the enemy, who were strongly posted on an incline in cleared bush under the stockade, and after exchanging fire, I advanced, driving them from their position; I did not consider it advisable to pursue them into the bush, from which they kept up a dropping fire. The engagement lasted about an hour, and the enemy, leaving their killed and wounded on the field, finally withdrew, firing and shouting. Captain Moir, having safely housed the ammunition and stores under his charge, joined the force towards the end of the affair; a reinforcement under Lieut. Rait, Royal Artillery, consisting of 2 officers and 30 men, arrived from Drury after the engagement. I have the honour to annex a list of casualties.

There being no means for the conveyance of the wounded, I left them in the stockade, and added to it a garrison of one officer and 30 men, having previously sent to Drury for ambulances and medical aid. After this I marched back to Drury at about 5 p.m. I cannot correctly state the loss sustained by the

Camp Drury, September 14, 1863.

detail as per margin § to assist and relieve Captain Moir, volunteer militia. On arriving at about 1 p.m. within about a quarter of a mile of Pukekohe stockade, I found Captain Moir embarrassed with carts which were fixed in the mud. Having rendered him assistance, and bearing firing in my front, and being informed that the stockade was attacked, I hastened thither, leaving instructions with Capt. Moir to follow us as soon as possible. On arriving within about 100 yards of the stockade I found that the enemy were in position on two sides of it at about 40 yards distance; I also found that, in addition to the usual garrison, a detachment of the 70th regiment, consisting of Lieutenant Grierson and 25 men, had arrived from Shepherd's Bush in the early part of the day; throwing the men into skirmishing order, I advanced in the direction of the enemy, who were strongly posted on an incline in cleared bush under the stockade, and after exchanging fire, I advanced, driving them from their position; I did not consider it advisable to pursue them into the bush, from which they kept up a dropping fire. The engagement lasted about an hour, and the enemy, leaving their killed and wounded on the field, finally withdrew, firing and shouting. Captain Moir, having safely housed the ammunition and stores under his charge, joined the force towards the end of the affair; a reinforcement under Lieut. Rait, Royal Artillery, consisting of 2 officers and 30 men, arrived from Drury after the engagement. I have the honour to annex a list of casualties.



enemy, not having time to search for their killed and wounded. I do not doubt, however, but that they suffered severely, as I saw the bodies of several lying on the ground previous to my leaving.

I have the honour to bring to the notice of the Lieutenant General Commanding, the gallant conduct of the troops under my command, and particularly that of Captain Saltmarshe, 70th regiment, who was severely wounded while leading on his men, also that of Lieutenant-Grierson, 70th regiment, and Lieutenant Tabuteau, 65th regiment.

My thanks are due to Captain Moir and Ensign Hay, of the Volunteer Militia, for their assistance on this occasion.

Lieutenant-Colonel Chapman,  
18th Royal Irish,  
Commanding Troops, Camp, Drury.

I have, &c.  
(Signed) J. INMAN,  
Captain 18th Royal Irish.

List of killed and wounded at Pukekohe on September 14, 1863:—

*Killed.*

Private Burdett, 70th regiment.  
Private Bailey, 70th regiment.

*Wounded.*

Captain Saltmarshe, 70th regiment, severely, through neck.  
Private John Ely, 70th regiment, severely.  
Private Thos. Dannehy, 70th regiment, severely, through thigh.  
Private Wm. Paterson, 70th regiment, severely, face.  
One private 65th regiment, dangerously (since dead).

J. INMAN,  
Captain 18th Royal Irish.

Camp, Drury, Sept. 14, 1863.

SIR,

I HAVE the honour to report that in accordance with your instructions I proceeded this morning with the force as per margin\* to Burt's Farm, on the Pukekohe block, distant about 4 miles from camp.

On my arrival I found that the farm had been previously attacked by about a dozen natives, who had wounded a boy belonging to the farm; however, by the time I reached there all was quiet, with the exception of some heavy firing which was distinctly heard in the direction of the stockade.

After examining the premises, and searching for two men who were supposed to be missing, but were afterwards discovered to have gone into Drury, finding all quiet about the farm, and the firing in the vicinity of the stockade continuing to increase, I left a guard of 15 men at the farm, and after seeing the videttes and sentries properly posted, proceeded through the bush along a native track, under the guidance of a very intelligent settler residing in that district. We advanced for about two miles in the direction of the firing, and the track brought us out on the west side of the clearing on which the stockade is situated.

Soon after our arrival the enemy retired, and the reinforcements from Drury, under the command of Captain Inman, 2nd batt. 18th regiment, were consequently withdrawn.

At the request of Captain Moir, V.M. Ensign Phillips, 18th regiment, and the detachment under his command, were left to reinforce the garrison at the stockade, by order of Captain Inman, who detailed an equal force of the 65th and 18th regiments to replace those who returned with me.

I then returned to Burt's Farm and brought in the wounded boy and the people living there. We arrived in camp shortly after dark.

To Colonel Chapman, Commanding Camp, Drury.

P.S.—I have to add that a deserter from the 70th regiment was discovered at Burt's farm, and brought in by escort.

Camp, Drury, Sept. 14, 1863.  
\* Royal Artillery Mounted Corps—1 subaltern, 1 staff, and 10 rank and file.  
Royal Artillery—20 rank and file.  
18th Regiment—1 subaltern, 1 serjeant, and 10 rank and file.  
70th Regiment—1 serjeant, and 10 rank and file.  
Total—2 subalterns, 1 staff, 2 serjeants, and 50 rank and file.

I have, &c.  
(Signed) ARTHUR RAIT,  
Lieut. Mounted Corps, R.A.

Enclosure 2 in No. 39.

LIEUTENANT-GENERAL CAMERON TO THE GOVERNOR.

SIR,

Head Quarters, Queen's Redoubt, September 16, 1863.

I HAVE the honour to forward for your Excellency's information the accompanying report from Lieutenant Grierson, 70th regiment, who was the first to arrive with the party under his command to the relief of the stockade at Pukekohe, when attacked by hostile natives on the 14th instant.

The conduct of this officer and his detachment deserve great praise.

His Excellency Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) D. A. CAMERON,  
Lieutenant-General.

SIR,

Camp, Sheppard's Bush, September 14, 1863.

I HAVE the honour to report, for the information of the Lieutenant-General Commanding, that having heard firing in the direction of Pukekohe this morning at about 10.30 a.m., I paraded a party, strength as per margin,\* with the intention of proceeding towards that place.

In the meantime two mounted settlers came in and informed me that a cart laden with ammunition and other stores, escorted by a party of 25 men of the Volunteer Militia, under the command of Captain

\* One subaltern, 3 serjeants, 3 corporals, 1 drummer, 24 privates. Total 32.

NEW  
ZEALAND.

Moir of that corps, had broken down on the road to Pukekohe, stating at the same time that the natives had made an attack on that post.

I therefore determined upon proceeding to reinforce Captain Moir, whom I overtook about Hamilton's house, but on his stating that he required no assistance from the party under my command, and hearing continuous firing evidently in the direction of Pukekohe, I pushed on rapidly to the relief of that place.

On our arrival, the Maoris, who seemed quite surprised by our appearance, fled into the bush, but having quickly rallied and extended so as to take us both in flank and in rear, I ordered the party to move into the stockade, from whence a fire was kept up for nearly two hours and a half, when a force arrived from Drury, under the command of Captain Inman, 2nd batt. 18th regiment.

Up to this time there was only one casualty on our side, viz., one private, 70th regiment, wounded. The loss of the enemy was unknown; several were seen to fall, but were immediately carried off.

The Officer Commanding, Sheppard's Bush.

I have, &c.

(Signed) J. F. A. GRIERSON,  
Lieut. 70th Regt.

No. 40.

No. 40.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 126.)

Government House, Auckland, October 3, 1863.

(Received December 14, 1863.)

(Answered No. 119, December 26, 1863, page 105.)

Enclosure 1.

MY LORD DUKE,

I HAVE the honour to transmit, for your Grace's information, copies of letters I have received from Lieut.-General Cameron, C.B., enclosing reports from Major Lyon, Commanding the Galloway Redoubt, of an attack made upon it by the natives on the 15th of September last.

2. Your Grace will be glad to learn that the Lieut.-General reports in high terms of the steadiness and gallantry displayed on this occasion by the militia and volunteers, as well as by a small detachment of the 18th Royal Irish, who repulsed the enemy with a loss which is believed to have been heavy compared to the numbers engaged.

I have, &c.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

(Signed) G. GREY.

Enc. 1 in  
No. 40.

Enclosure 1 in No. 40.

LIEUT.-GENERAL CAMERON to the GOVERNOR.

SIR,

Head Quarters, Queen's Redoubt, September 18, 1863.

I HAVE the honour to forward for your Excellency's information the enclosed reports from Major Lyon, commanding the Galloway Redoubt.

Your Excellency will feel equal pleasure with myself in learning that the militia and volunteers, as well as the small detachment of the 18th Royal Irish, under the command of Major Lyon, behaved with so much steadiness and gallantry.

I have, &c.

His Excellency Sir George Grey, K.C.B.,  
&c. &c. &c.

(Signed) D. A. CAMERON,  
Lieut.-General.

SIR,

Galloway Redoubt, Wairoa, September 15, 1863.

I HAVE the honour to report for the information of the Major-General Commanding Colonial Forces, that about 10 o'clock this morning Maoris opened fire at the stockade from the bush in rear of Mr. Nicholl's house, having first shot at a son of his, nine years of age; the bullet passed through his cap without injuring him.

Fire was returned from the stockade and from our redoubt.

I advanced with 25 men to the assistance of the settlers on two different occasions, viz., at 11 a.m. and 4 p.m., after which all was quiet.

The men of the 18th Royal Irish, Militia Volunteers, Auckland Rifle Volunteers, and Wairoa Rifles behaved most steadily.

It was impossible to ascertain the number of Maoris in the vicinity, as they did not come into the open.

Ensign Johnson, Wairoa Rifles, was slightly wounded in the arm.

During my absence I left Captain Clark, Auckland Rifle Volunteers, in command of the redoubt, an officer in whom I place every confidence.

I have, &c.

Major De Quincey, Military Secretary,  
Colonial Forces.

(Signed) WILLIAM C. LYON,  
Major Commanding Galloway Redoubt, Wairoa.



NEW  
ZEALAND.

SIR,

Galloway Redoubt, Wairoa, September 17, 1863.

I HAVE the honour to report for the information of the Major-General Commanding Colonial Forces, that firing was heard in the bush on the other side of the river, at different intervals in the course of the day.

About 4 p.m. a settler came to the redoubt stating that two men were exchanging shots with some natives in the act of pillaging a house.

Lieutenant Steele, Wairoa Rifles, started immediately with 20 men, and I followed with 30: on arriving at the place two bundles were found. I followed the track, passed through a chain and a half of bush, and came out on rising ground; I could see the Maoris in a line, with loads on their backs.

The men under my command were in skirmishing order, and fired into them. I then gave chase: many of them dropped their loads, making for Otatau.

Two Maoris were killed. I did not deem it advisable to advance farther, from the number of shots proceeding from the bush and bank of the river, the natives must have been in strong force; it was also getting dark.

On our return I was met by Lieutenant Russell, 18th Royal Irish, with a party of 16 men, coming to our assistance, and Captain Clark, Auckland Rifle Volunteers, thinking we might require support.

This morning I started at 4 o'clock, with 50 men from the redoubt, and 20 from the Wairoa Rifles, under the command of Mr. Johnson.

We took the same direction, and arrived within 300 yards of the Maori whares at daybreak.

The river was so swollen with the late rains it was impossible to cross it. The Maoris were plainly visible, and many rounds were fired at them; they returned the fire, but without any effect, the men being well under cover.

I sounded the "cease firing," and proceeded to bury the body of one of the Maoris killed yesterday; he had been shot through the heart; the other we could not find.

It appears that the firing heard in the bush was for the purpose of diverting our attention whilst the natives were ransacking the houses.

The men of the different detachments behaved on both occasions with great coolness.

I have, &amp;c.

Major de Quincey, Military Secretary,  
Colonial Forces.

(Signed) WILLIAM C. LYON,  
Major Commanding Galloway Redoubt, Wairoa.

Enclosure 2 in No. 40.

Encl. 2 in  
No. 40.

LIEUT.-GENERAL CAMERON to the GOVERNOR.

SIR,

Head Quarters, Queen's Redoubt, September 19, 1863.

I HAVE the honour to forward the accompanying reports from Major Lyon, commanding the Galloway Redoubt, received subsequently to those transmitted to your Excellency with my letter of yesterday.

His Excellency Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) D. A. CAMERON,  
Lieut.-General.

SIR,

Galloway Redoubt, Wairoa, September 17, 1863.

I HAVE the honour to report for the information of the Lieut.-General Commanding, that I sent Lieut. Russell, 2nd battalion 18th Royal Irish, with 20 men, to the spot I had occupied in the morning, with instructions to fire upon the whares at Otatau. I proceeded myself, with 75 men of the different detachments, to come upon the enemy in the rear, crossing the bridge just opposite the redoubt, and passing through portions of the bush, I arrived at the settlement. It was deserted, but it was evident that the Maoris must have sustained severe loss from the concentrated fire poured into them in the morning. The whares were riddled with shot, blood in profusion both inside and out. Two Maori mats, covered with blood, and a bullet hole through it, was also picked up. They were unmistakeably taken by surprise this morning. Two guns, several tomahawks, other weapons, and a variety of articles were taken.

A quantity of plunder taken from the settlers' houses was recovered on this side of the river, showing that the rebels had been hardly pressed by our skirmishers yesterday evening.

A settler, named Crawford, residing near Otatau, has lost several head of cattle. It is supposed they have been driven off by the natives.

I have the honour to bring under the notice of the Lieutenant-General Commanding the names of Lieutenant Russell, 2nd batt. 18th Royal Irish; Lieutenant Jones, Militia Volunteers; Ensign Tole, Auckland Rifle Volunteers; and Mr. McDonald, Native Interpreter, who rendered me great assistance.

The exemplary conduct and soldierlike bearing of the non-commissioned officers and men of the different detachments who have been with me on these several occasions cannot be too highly commended, and more especially that of Quartermaster Serjeant Davis, of the 3rd batt. Auckland Militia.

I have, &amp;c.

(Signed) WILLIAM CHARLES LYON,  
Major Commanding Galloway Redoubt, Wairoa.

NEW  
ZEALAND.

SIR,

I HAVE the honour to inform you, for the information of the Lieutenant-General Commanding, that I inadvertently omitted the names of Lieutenant Steele and Ensign Johnson, Wairoa Rifles, from amongst those officers whom I wished to bring favourably under the notice of the Lieutenant-General Commanding.

The Military Secretary,  
&c. &c. &c.

I have, &c.  
(Signed) WILLIAM C. LYON,  
Major Commanding Galloway Redoubt, Wairoa.

No. 41.

No. 41.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 127.)

Government House, Auckland, October 5, 1863.

(Received December 14, 1863.)

(Answered No. 119, December 26, 1863, page 105.)

Lt.-Gen.  
Cameron, C.B.,  
to Sir G. Grey,  
Sept. 21, 1863.

MY LORD DUKE,

I HAVE the honour to enclose, for your Grace's information, the copy of a report I have received from Lieutenant-General Cameron, C.B., covering a letter from Colonel Warre, C.B., commanding the troops at Taranaki.

2. Colonel Warre's letter contains the details of an affair which took place at Taranaki between the rebel natives and a party of the 57th regiment on the 15th ultimo.

3. The Lieutenant-General reports that, on this occasion, the skill and enterprise of Captain Russell, 57th regt., and the coolness and steadiness of all under his command, are deserving of the highest praise.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Encl. in No. 41.

Enclosure in No. 41.

LIEUT.-GENERAL CAMERON to the GOVERNOR.

SIR,

Head Quarters, Queen's Redoubt, September 21, 1863.

I HAVE the honour to enclose, for your Excellency's information, a letter from Colonel Warre, C.B., commanding troops at Taranaki, giving cover to a report from Captain Russell of the regiment under his command.

The skill and enterprise with which this officer prepared his ambuscade, and the coolness and steadiness of all under his command are deserving of the highest praise.

His Excellency Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) D. A. CAMERON,  
Lieut.-General.

SIR,

New Plymouth, N. Z., September 16, 1863.

I HAVE the honour to transmit, for the favourable consideration of the Lieut.-General Commanding, the accompanying report from Captain Russell, 57th regiment, commanding the detachment at Poutoko.

Captain Russell's report describes so simply and accurately what occurred on the morning of the 15th instant, that I feel I have only to add, that nothing could exceed the coolness and perseverance with which Captain Russell carried out his plan, and the steadiness with which the officers, non-commissioned officers, and men behaved under circumstances of no ordinary difficulty.

The steadiness and good conduct of the non-commissioned officers and men enabled Captain Russell to waylay and surprise a considerable body of natives (nine of whom are known to have been killed or mortally wounded), and also to withdraw his party with great regularity in the face of a very large number of rebel natives, who on seeing their people engaged flocked to the number of 200 or 300 to the scene of action, from their several positions on the Tataraimaka Ranges.

I have much satisfaction in stating that no casualties occurred on our side.

The Assistant Military Sec.,  
Head Quarters.

I have, &c.  
(Signed) H. J. WARRE,  
Colonel Commanding Troops at Taranaki.



SIR,

Camp, Poutoko, N. Z., Sept. 15, 1863.

NEW  
ZEALAND.

I HAVE the honour to report for your information that, in compliance with instructions received from you, I started at 3 a.m. this day with a party, strength as per margin,\* to plant an ambuscade in the vicinity of the Wairau stream. I left two serjeants and 24 rank and file to occupy the Oakura Redoubt and cover the crossing of the river, and then advanced with the remainder of my party over the stream to a spot some 500 yards up the Wairau road, where a light bush composed of Toe-toe and Koromiko afforded excellent cover. I divided my men into three sections and posted them, each in charge of an officer, on the left-hand side of the road at a few yards' distance from one another. After waiting upwards of two hours, natives were heard coming down the road, and their advanced guard, consisting of eight men, approached to within three yards of the ambuscade to the left, which was in charge of Lieut. Manners, 57th regiment; they then, unfortunately, detected a footprint carelessly left by one of my party, and calling out to alarm their main body, attempted to escape. On this the men immediately fired, and three natives fell, one apparently a chief of some note, as he carried a very handsome "Taiaha," which we took possession of; the other two natives, who were evidently mortally wounded, staggered into the bush. Three other natives were also hit, but as they ran afterwards, I am unable to say if they were wounded or not. I was immediately engaged with the main body of the natives, about 30, who took cover in the neighbouring fern and bush, and we drove them back to a swamp. A very large number of natives being seen coming down from Ahuahu, and hearing the Maoris also advancing from Kitaki, I got my men together and marched them on the open ground. Whilst crossing the Oakura river I found the natives making an attempt to occupy the high ground on which the redoubt is built, and thus cut off my party, but they desisted on finding themselves opened upon by the reserve, who then showed themselves, and by some of the men who had already crossed, and they therefore contented themselves with attempting to annoy the remainder of the party in crossing, but were soon driven further back. I cannot say what loss the natives sustained in this second skirmish, but two of them were seen to be shot, and one of them fell over the cliff. On the whole of my party occupying the high ground they were soon forced to retire out of sight. As there was no hope of their showing themselves as long as I held the redoubt I returned to camp. Being aware how difficult it is to correctly estimate the enemy's loss in affairs of this description, I have only detailed such of their casualties as fell under my personal observation, or that of the other officers who were with me, and therefore believe that you will find them much heavier than has been reported.

\* 1 Captain, 2 subalterns, 1 staff assistant surgeon, 4 serjeants, 4 corporals, 2 drummers, 75 rank and file.

I beg to be allowed to bring to your favourable notice the very steady conduct of every non-commissioned officer and man engaged, and also the names of the officers who were with me on this duty, viz., Lieut. Manners and Ensign Powys, 57th regiment, and Staff-assistant Surgeon Tomlinson; my thanks are also due to Mr. W. Carrington, of the Native Department, who is stationed at this outpost, for the valuable advice he gave regarding the planting of this ambuscade.

The chief from whom the "Taiaha" was taken is killed.

Col. H. J. Warre, C.B.,  
Commanding Province Taranaki, N. Z.

I have, &c.  
(Signed) H. R. RUSSELL,  
Captain 57th Regiment.

No. 42.

No. 42.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 137.)

Government House, Auckland, October 19, 1863.

MY LORD DUKE,

(Received January 9, 1864.)

I HAVE the honour to enclose, herewith, for your Grace's information, a copy of the speech which I this day read at the opening of the General Assembly of New Zealand.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Enclosure in No. 42.

Encl. in No. 42

Honourable Gentlemen of the Legislative Council and Gentlemen of the House of Representatives,—

THE recent course of events in this Colony has compelled me to seek your advice and assistance at an earlier period than was contemplated on the last occasion of your meeting.

The resumption of a block of land by my orders at Taranaki, which had long previously to the late war been peacefully occupied by our settlers; but which the continued threats of the natives had since prevented their return to, was followed by the entirely unprovoked murder of nearly the whole of a small escort of Her Majesty's troops.

This murder was instigated and directed by the tribes of Waikato; the same tribes who had already expelled from their own districts their missionaries and all other European residents; forcibly taken away the half-caste families of the latter; and evinced in many ways their determination to provoke a war of races. They have for some time past been endeavouring to form a general combination of the natives, having for its avowed object the indiscriminate slaughter of the European inhabitants of the Colony.

NEW  
ZEALAND.

Their plans of attack upon Auckland and its neighbouring settlements have been frustrated by the defensive measures adopted; but they have assassinated out-settlers, and soldiers engaged on escort duty.

No effort to gain over these tribes has been omitted. Every endeavour has been made to remove any even apparent ground of complaint; to do them the fullest justice, and to promote in every way their welfare and improvement. Yet no means have been found effectual to induce them to relinquish their schemes of conquest and plunder. They have deliberately resolved upon war, and to try their strength with the British race.

In accordance with this desire to deprive the natives of every pretext for rebellion, and prevent if possible the then threatening insurrection from becoming general; in the hope also of securing unanimity and the cordial support of all classes of Her Majesty's European subjects in the war thus forced upon us; and for other reasons detailed in the papers which will be laid before you, I thought it my duty notwithstanding some obvious objections to such a course, to declare my intention not to attempt to complete the purchase of the block of land at the Waitara.

When, from the assassination of our officers and soldiers, it was clear that the war, which such efforts had been made to avoid, was inevitable, the Imperial Government was immediately applied to for additional military assistance. The promptitude and liberality with which that application has been responded to, demand your special recognition, and I feel confident that the aid thus given by England to the Colony in its time of danger and difficulty, will strengthen those sentiments of loyalty and affection towards the mother country which have always animated the settlers of New Zealand.

The neighbouring Colonies, to which I applied for such military aid as they could afford, have rendered every assistance in their power, and my thanks are in a special manner due to the Governor of Tasmania for the great promptitude with which every available soldier was despatched thence to this Colony.

Meantime, active measures had been taken in the Colony itself for the defence of the settlements of the northern Island. The militia and volunteers have been called out, armed, and trained, to the number of upwards of nine thousand men. Volunteer companies, both of horse and foot, have been formed in the different provinces—some of them in Auckland and Taranaki, for the especial purpose of scouring the forest country. Mounted forces, under the Colonial Defence Act of last session, have been raised and stationed in Auckland, Hawke's Bay, Wellington, and Whanganui. A steam gunboat, adapted for the navigation of shallow rivers, has been built, and brought over from Sydney, for especial service on the Waikato river. No exertions have been spared by the Colony in contributing to the utmost extent of its power towards its own defence.

To provide in the most certain manner for the future protection of the settlers,—to leave the regular troops more free for offensive operations, by releasing them from a portion of their garrison duty, as well as to enable the Lieutenant-General Commanding to undertake those operations at an early period, a large number of volunteers have been introduced from Australia and the Middle Island to serve for a certain period as militia, and eventually to form military settlements in the interior, on condition of receiving free grants of land for their services. The very fine body of men that have thus volunteered to assist in fighting the battles of the Colony will greatly facilitate the prosecution of the war.

Her Majesty's ships of war on this station have already rendered valuable services; and the conspicuous gallantry of Her Majesty's troops, under their distinguished General on every occasion the war has hitherto afforded for its display, has been recognized throughout the Colony with admiration and gratitude. It is with the most lively satisfaction I have remarked how repeatedly and honourably General Cameron has mentioned the zeal and courage which our militia and volunteers have on many occasions so nobly evinced against the enemy by whom their families and homes were being assailed; and I desire to express my own sense of the admirable manner in which, both in Auckland and Taranaki, the Colonial forces have borne the hardships and privations of service in the field, and in co-operation with Her Majesty's troops have shown themselves capable of encountering all the difficulties of forest warfare, and afforded additional proof that our countrymen were qualified to grapple with danger under all circumstances, in every kind of country.

With the additions to our forces first mentioned, and with the reinforcements—naval and military—already arrived, or immediately expected from England, directed by such commanders as are now in New Zealand, I trust that this war will be brought, at no very distant date, to a successful issue.

Gentlemen of the House of Representatives,—

A large expenditure has been incurred in making provision for the defence of the country, which the urgency of the crisis rendered immediately necessary. Measures will be submitted to you to enable the Colony to meet this outlay, as well as that which unfortunately will still have to be made on account of the war, without, I trust, too seriously pressing upon its resources, or preventing the employment of a large portion of its revenues on the many useful objects on which they are expended at present.

The estimates for the current financial year will be laid before you without delay, together with an Act for raising a loan, to enable me to carry out the plans which have been initiated for the future security of the country.

Honourable Gentlemen of the Legislative Council and Gentlemen of the House of Representatives,—

The resolutions defining the relations between the Governor and Ministers adopted at the last meeting of the Assembly, and in the spirit of which I consented to act until the instructions of the Secretary of State should reach me, have not received the sanction of Her Majesty's Government. On the contrary, Her Majesty's Government has declared its intention to adhere to its previous decision, that the direction of Native policy and the management of native affairs should, except in certain contingencies, be placed under the control of the General Assembly.



In any ordinary circumstances of the Colony, my responsible advisers, on the receipt of this decision, would have recommended your being immediately called together to deliberate and decide upon the course to be taken on a subject of such importance. But at the time the decision was received, the position of the Colony in respect to the natives was such as to demand immediate and energetic measures to insure its safety, which required the whole attention of the Government. It appeared, then, that to summon the Assembly at that moment would have been to incur the risk of paralyzing the efficient action so necessary in the then present crisis, while measures for making provision to meet the less immediate consequences of the native insurrection could not possibly have been matured sufficiently to be submitted for your deliberation and adoption.

The Ministers accordingly undertook to be responsible for the adoption of a plan of operations for the defence of the district about Auckland, which I had proposed to them, and for the occupation by military settlers of the land of hostile natives in its neighbourhood, pending the summoning of the Assembly, and the expression of your opinion on the whole subject of responsibility in native affairs. They undertook this amount of responsibility from a sense of duty, and from the strong conviction that these plans formed part of a policy calculated effectually to deal with the difficulties before us, and, as such, to meet with your thorough approval and sanction.

I would now recommend your acceptance of the responsibility which Her Majesty's decision has placed upon the Colony.

The measures to which your attention will be principally directed, will be those which have for their object the suppression of the present and the prevention of future rebellions. I rely with confidence on your cordial support in my endeavours to carry on the present war with vigour, and to make it, if possible, the last which shall afflict the European and Aboriginal inhabitants of New Zealand. To do this, to provide a material guarantee for the preservation of peace, such measures will be necessary as will render future insurrections of the natives hopeless. The most obvious and effective of such measures are the construction of roads through the interior of the country, and the introduction into the disaffected districts especially, of an amount of armed population, sufficient to defend itself against all aggression. It should be distributed in military settlements along the frontiers of the settled districts and elsewhere so as to afford protection to the inhabitants of these districts. A considerable number of volunteers for such settlements have been introduced, as I have already stated, and bills will be submitted for your consideration to authorize and make provision for the carrying out of these objects on as extensive a scale as seems practicable at present. This will necessarily involve the occupation of a portion of the waste lands of the rebellious natives; but while ample land will be left for their own requirements, it is only just that they should be made to feel some of the evil consequences of plunging the country, by wanton and unprovoked aggressions, into the expenses and miseries incidental to civil war; and thus it is hoped to afford a warning to other tribes to abstain from conduct which will be attended with the kind of punishment they are most apprehensive of.

I trust that these measures, which I am compelled reluctantly to adopt, will ultimately prove a great furtherance to the operation of those for the improvement and civilization of the aboriginal natives which have occupied so much of your attention of late years, and which I am well aware nothing that has taken place will prevent you from still prosecuting with a generous regard for the future welfare of this people.

Some measures to facilitate the operation of former Acts of the Assembly, a bill for the annexation of Stewart's Island to the province of Southland, in order to extend the advantages of local government to that island; and a plan for the formation of an electric telegraph from the southern extremity of the Middle Island to Auckland, will be laid before you, and receive, I trust, your favourable consideration.

The prosperity of the Colony, in every respect, with the exception of the state of the aboriginal natives, continues undiminished. Especially, it is most gratifying to remark the almost unexampled progress in wealth and population made by the settlements in the Middle Island, the inhabitants of which, while themselves undisturbed by any difficulties with a native race, have shown so deep a sympathy with, and so generous a regard for, the sufferings and dangers which have fallen on their fellow-colonists on this island.

I have now only to express an earnest hope that your counsels, informed with the spirit of wisdom, may, with the blessing of the Almighty Disposer of events, tend to the deliverance of the Colony from its present difficulties, and to the permanent welfare of all its inhabitants.

No. 43.

No. 43.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 138.)

Government House, Auckland, October 23, 1863.

MY LORD DUKE,

(Received January 9, 1864.)

My responsible advisers have requested me to transmit to your Grace the accompanying memorandum, drawn up by Mr. Russell, the Minister for Colonial Defence, showing in detail the number of militia and volunteers called out, armed, and trained in the Northern Island of New Zealand, as also the various other measures taken for the defence of this island since the breaking out of the present war.

2. Your Grace will, I am persuaded, agree with my responsible advisers, that the exertions this Colony has made to provide for its own defence are most praiseworthy, and that the sacrifices which many of its inhabitants have made for the same object, are such as to entitle them to the warm gratitude of their fellow-colonists.

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ZEALAND.

3. I cannot close this despatch without saying, that I think much of the success which has attended the efforts made by this Colony to provide for its own protection, is to be attributed to the ability, energy, and zeal, with which Mr. Russell has discharged the duties of his office.

His Grace the Duke of Newcastle, K.G.,  
&c.                      &c.                      &c.

I have, &c.  
(Signed) G. GREY.

Encl. in No. 43.

Enclosure in No. 43.

MEMORANDUM ON MEASURES OF DEFENCE in the NORTHERN ISLAND.

THE object of this memorandum is to give an outline of the measures taken by the Government since the commencement of hostilities by the natives, to render the resources of the Colony available for the defence of the Northern Island. The great services rendered by General Cameron and the officers and troops under his command, the ready co-operation of Her Majesty's naval authorities, as well as the valuable assistance so freely afforded by other colonies, with the same object, are not detailed.

For some time prior to May 1863, the Governor and the colonists were united in a great effort, by peaceable expedients, to establish and maintain friendly relations with the native race. So far were these efforts carried, that every appearance of warlike preparation was avoided—even defensive measures, such as the enrolment, drill, and arming of the Militia, were allowed to cease—in order that the natives might not misconstrue such preparations into hostile demonstrations against themselves. Nothing was done that should tend to excite their suspicions. Arms in sufficient numbers for the militia were not provided. No military organization of the civilian population was attempted, not even to the extent of forming militia rolls in the provinces of Auckland, Wellington, or Hawke's Bay, so that, when the peace of the country was broken by the Oakura murders, there were not five hundred armed militiamen or volunteers in the Northern Island. In fact, no preparation of any kind for war had been made before the outbreak of the 4th of May.

Among the difficulties which embarrassed the Government at the commencement of hostilities, the want of arms for upwards of three thousand men, of suitable clothing—such as boots, trousers, great coats, and other necessities—for the militia and volunteers on active service, was especially felt. It was impossible to procure these supplies by the ordinary means of purchase. All that could be got in Auckland were procured, and additional supplies of the best available substitutes were obtained from Dunedin and the Australian colonies. The principal source of supply was from the stores of the Imperial Government, and the thanks of the Colony are specially due to the Lieutenant-General Commanding for the prompt and liberal aid he rendered by the issue of such arms and clothing as could be spared from the military store at Auckland.

Considerable trouble was also experienced in obtaining officers of character and ability with military knowledge. A great number were required, and the range of choice was very small. Every effort has been made to overcome these and other difficulties attending the sudden organization, arming, clothing, and drilling of several thousand men. Much has been done in the comparatively short space of time that has elapsed since the commencement of hostilities, but much is still required to complete the work in a satisfactory manner. It is but just, however, to say that the exertions of the Government would have been in vain but for the ready aid and co-operation of all classes of the community.

AUCKLAND.

The organization of the militia was commenced in the province of Auckland about the 1st July last, and within one month from that date the whole of the 1st and 2nd classes, together with the volunteer force, were embodied and armed, and part of them holding various posts in the country districts in the face of the enemy.

In the Auckland district the whole of the male population between the ages of sixteen and fifty-five years is now on actual service, bearing arms, and doing duty as regular soldiers.

About the beginning of July, Colonel Nixon was authorized by the Government to raise a troop of the Defence Force; and owing to this gentleman's great energy and popularity, his troop was enrolled, mounted, armed, drilled, and the force on duty within three weeks from the date of the authority being given. This force has since been increased to 100, and they have had their full share of active duty. Colonel Nixon has also under his command four troops of cavalry volunteers, who take their regular share of duty, and have rendered good service as patrols in the suburban and country districts.

Four hundred militia volunteers were enrolled under the command of Lieutenant-Colonel Pitt. These were volunteers willing to go on constant duty in any part of the province, receiving while in the militia district ordinary militia pay, and while serving beyond the district one shilling per diem extra. Most of these men have since taken service in the Waikato regiments as military settlers.

Jackson's corps of forest rangers, in number sixty, was formed specially for the purpose of clearing the Hunua and adjacent forest ranges of the marauding parties of natives who infested those districts, and who harassed and annoyed the outposts, and rendered it unsafe to travel on the Great South Road. This corps is armed with Calisher and Terry's breech-loading carbines and revolvers.

The plan of obtaining military settlers in Australia and elsewhere is fully described in the various papers. It is only necessary, therefore, here to state that the conditions for enrolment were first published at Auckland on the 4th August, and within one month from that date the first draft of settlers arrived from New South Wales, and within two months upwards of 2,000 were enrolled, equipped, and engaged on service. Three regiments of these military settlers have been formed and armed, equipped and drilled, and they are employed with the regular troops in the field.



The ordinary militia and volunteers, including cavalry, of the district amount to upwards of 3,000, classed as follows:

|                       |   |   |   |   |   |       |
|-----------------------|---|---|---|---|---|-------|
| 1. Militia            | - | - | - | - | - | 1,639 |
| 2. Cavalry volunteers | - | - | - | - | - | 188   |
| 3. Rifle volunteers   | - | - | - | - | - | 352   |
| 4. Naval volunteers   | - | - | - | - | - | 150   |

The local corps, armed and organized, are about as follows:—

|                            |   |   |   |   |   |     |
|----------------------------|---|---|---|---|---|-----|
| Waiuku                     | - | - | - | - | - | 70  |
| Mauku                      | - | - | - | - | - | 70  |
| Pukekohe (since disbanded) | - | - | - | - | - | 40  |
| Wairoa                     | - | - | - | - | - | 60  |
| Papakura Valley            | - | - | - | - | - | 20  |
| Henderson's Mill           | - | - | - | - | - | 40  |
| North Shore                | - | - | - | - | - | 125 |
| Other places               | - | - | - | - | - | 422 |



847

Total - - - - - 3,176

Stockades as places of refuge for the out-settlers have been built at Waiuku, Mauku, Pukekohe, Wairoa, Papakura Valley, and Howick.

The Government have also, at the request of Lieutenant-General Cameron, and within the last seven weeks, had about one thousand acres of the forest along the sides of the Great South Road felled and cut up, thus rendering that military road comparatively safe for the purpose for which it was constructed. This important work has been successfully carried out under the energetic management of Mr. John Martyn. Bridges over the Mangatawhiri and Whangamarino Rivers are now being constructed on behalf of the Government.

Warned by the destruction and devastation of the province of Taranaki, the Government at the commencement of hostilities in the Auckland district determined that no part of the settled districts of the province should fall into the hands of the natives. The force at the disposal of the Lieutenant-General was small compared to the very great extent of country over which it was necessarily distributed, and utterly inadequate for the complete defence of the whole of the settled districts. The settlers in the various districts were speedily organized and armed, and have proved themselves more than equal to their enemies; for though unable to prevent the plunder of scattered homesteads in the bush, they have prevented the rebels occupying the open country, and have in every encounter defeated their opponents, and in some instances, as at Wairoa and Pukekohe, with severe loss. By the firm stand made the enemy has been held in check; their marauding parties have been compelled to seek the cover of the bush, and homesteads in the open country have been safely occupied by their owners; pillage, destruction, and murder have been confined to the forest and its precincts, and have there been effected only by stealth and surprises. The successful defence of the Stockade at Pukekohe deserves especial notice. For upwards of four hours it was, although in an unfinished state, held by a small party of 30 settlers against upwards of 200 Maoris, who, within 50 yards, under cover of bush, fallen timber, and stumps of trees, kept up a constant and heavy fire upon the settlers. The general success of the resistance made against incursions of the natives is proof of the success which will ever attend resistance to Maori attack.

Now that all around Auckland is comparatively safe, and we are getting accustomed to the routine of war, we are apt to forget the real danger which threatened the out-districts, and even the town of Auckland itself, at the commencement of hostilities, before time had been found even for arming the militia. Many exaggerated accounts were constantly received of the numbers and dispositions of the native forces. They were expected to attack us at various points, and it was but too apparent that many places, now safe and impregnable to them, were open and exposed to attack. The suddenness of the preparations, the total cessation of business and usual occupations, the paralysis of trade, the unfavourable time of year—in the depth of winter—the sudden exposure to the inclement season, under canvas at night, and during the day labouring in the mud constructing redoubts, were great trials to a peace-loving population. But the spirit shown by all classes was most excellent. There was a general co-operation with the Government. There was no flinching from duty, and danger was willingly faced by the local volunteer corps, and by the regular militia and volunteers of the district.

#### WELLINGTON.

Among the first measures for defence adopted in the Northern Island was the direction given by the Government for raising 150, now increased to 175, mounted men, under the "Colonial Defence Force Act," for service in the province of Wellington. This force was raised with great promptness under the instruction of Mr. Mantell, a member of the Executive Government, whose presence and exertions at Wellington have been of the greatest benefit to the Colony. The force is armed with Callisher and Terry's breech-loading carbines and revolvers. It is stationed as follows:—

|            |   |   |   |   |   |     |
|------------|---|---|---|---|---|-----|
| Rangitikei | - | - | - | - | - | 75  |
| Wellington | - | - | - | - | - | 100 |

—but of this latter number, fifty are intended for service in the Wairarapa Valley.

Immediately after Major Dwyer's resignation of the command of the militia in the province, the Government despatched Major Gorton to assume the command there, and his undivided attention has been given to the equipment and training of the militia and volunteers. By the latest returns received from Wellington there were 1,196 men of the militia and volunteer forces armed and drilled, and there were 300 rifles available for those of the settlers who, residing outside militia districts, have

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ZEALAND.

not yet offered their services as volunteers. The Government also authorized the erection of stockades in such places as the military authorities considered necessary for the defence of the settlers.

The numbers of the militia and volunteers in Wellington and Wairapara districts are as follows:—

|            |   |   |   |   |       |
|------------|---|---|---|---|-------|
| Militia    | - | - | - | - | 777   |
| Volunteers | - | - | - | - | 419   |
| Total      | - | - | - | - | 1,196 |

In carrying out the defensive measures adopted in the province of Wellington, the Government were greatly assisted by the Superintendent of the province.

## WANGANUI.

The first and second classes of the militia have been called out, armed and drilled. The settlers have formed themselves into mounted corps, and the volunteers have shown the greatest ardour and energy in the work of self-defence.

The number of armed men in the district on the 31st August (since which no returns have been received) was as follows:—

|                              |   |   |   |   |     |
|------------------------------|---|---|---|---|-----|
| Militia, 1st and 2nd classes | - | - | - | - | 180 |
| Rifle volunteers             | - | - | - | - | 321 |
| Cavalry volunteers           | - | - | - | - | 51  |
| Total                        | - | - | - | - | 552 |

Seventy-five men of the Colonial Defence Force have been stationed in the Rangitikei.

## HAWKE'S BAY.

The defensive measures rendered necessary in this province were entrusted to the experience and skill of the Superintendent of the province, and the Honourable Major Whitmore, the Commander of the Colonial Forces in the province; and the fullest powers were delegated to those gentlemen.

Authority was given to Major Whitmore for raising 100 men under the "Colonial Defence Force Act," and the promptness with which that officer executed his commission has been universally acknowledged. This force is now not only ready for the defence of Napier, but available, if necessary, for operations elsewhere.

The first and second classes of the militia have been armed and drilled. The number of armed men in the province is as follows:—

|                    |   |   |   |   |     |
|--------------------|---|---|---|---|-----|
| Militia            | - | - | - | - | 600 |
| Rifle volunteers   | - | - | - | - | 71  |
| Cavalry volunteers | - | - | - | - | 79  |
| Total              | - | - | - | - | 750 |

One hundred men of the Colonial Defence Force are stationed in the province.

## TARANAKI.

The whole male population is armed. The militia and volunteers are on "actual service," doing duty as regular soldiers, and have very recently distinguished themselves in conflict with the enemy. The numbers are—

|            |   |   |   |   |     |
|------------|---|---|---|---|-----|
| Militia    | - | - | - | - | 605 |
| Volunteers | - | - | - | - | 214 |
| Total      | - | - | - | - | 819 |

To obtain constant and rapid communication between Auckland and the districts exposed to danger, and to ensure means of transport of troops, if circumstances should render their movement necessary, a steamer has been specially employed to run between Wellington, Wanganui, Taranaki, Raglan and Manukau. Another also has been engaged to do a similar service on the east coast.

Towards the end of 1862 the Government determined to place a small steamer on the Waikato, and after some inquiry, the "Avon" was purchased for that purpose. Her draft of water is too great for her to be as available as is desirable; but notwithstanding this disadvantage, the vessel has been of great service. The importance of having a suitable steamer for the navigation of the Waikato, determined the Government to have such a vessel constructed in Sydney; and after many delays and much anxiety, the gun-boat "Pioneer" has been obtained—a vessel, it is believed, well adapted for the purpose. But so strongly has the necessity been felt for providing means for commanding the navigation of this important artery of the country, and for preparing means of communication with the military settlers to be located in the Waikato country, and of transporting their necessary supplies, that two smaller steamboats of very light draft of water have been ordered to be constructed in Sydney. These vessels are being constructed of iron. They will be brought from Sydney in sections on board a vessel laden with coal, direct to the Waikato river, and put together at the Waikato heads. They are expected to be ready for the navigation of the river before the drought of summer has rendered it impossible to use vessels of deeper draught in the shallower parts of the river. These two boats are also specially designed of great power, so as to be used as tugs, and thus provide means of transporting supplies up the river. The sailing gun-boat "Caroline" has been sold, and the "Tasmanian Maid" steam-vessel, has been purchased for the eastern coast; the latter has been found of the greatest use. This vessel is now known as the colonial gun-boat "Sandfly."



The result is thus: the number of men enrolled for permanent service in the Northern Island up to the present date:

## I. CAVALRY.

|                                                                       |           |
|-----------------------------------------------------------------------|-----------|
| One regiment, "Colonial Defence Force," of eight troops stationed at— |           |
| Auckland, 2 troops                                                    | 100       |
| Hawke's Bay, 2 do.                                                    | 100       |
| Wellington, 2 do.                                                     | 100       |
| Wanganui, 2 do.                                                       | 75        |
|                                                                       | <hr/> 375 |

## II. INFANTRY.

|                                                                              |             |
|------------------------------------------------------------------------------|-------------|
| 1st Waikato Regiment, Lieutenant-Colonel Pitt, 10 companies                  | 1,100       |
| 2nd Waikato Regiment, Lieutenant-Colonel Haultain, 10 companies              | 1,042       |
| 3rd Waikato Regiment, Lieutenant-Colonel Lyon (in course of formation) about | 477         |
|                                                                              | <hr/> 2,619 |
| In the Imperial Transport Service, but receiving colonial pay                | 142         |
|                                                                              | <hr/> 2,761 |
| Total                                                                        | <hr/> 3,136 |

## III. ARTILLERY.

One field battery of six 12-pounder Armstrong guns, purchased, and, shortly expected. Two 40-pounder Armstrong guns, now on board the "Pioneer," for use at the front.

## IV. FLOTILLA.

"Avon," steamer, on the Waikato.  
 "Pioneer," steamer, in Manukau.  
 "Sandfly," steamer, in the Thames.  
 Two smaller steamers now building in Sydney.

## TOTALS OF THE NEW ZEALAND COLONIAL FORCES.

|                                  |                  |
|----------------------------------|------------------|
| On permanent service as above:—  |                  |
| Infantry                         | 2,761            |
| Colonial Defence Force           | 375              |
|                                  | <hr/> 3,136      |
| Militia and Volunteers, Auckland | 3,176            |
| Do. do. Wellington               | 1,196            |
| Do. do. Whanganui                | 552              |
| Do. do. Taranaki                 | 819              |
| Do. do. Hawke's Bay              | 750              |
|                                  | <hr/> 9,629 Men. |

Major-General Galloway has been appointed to the command of the Colonial forces, and has generously given his services to the Colony gratuitously.

The arms at the various stations are now as follows:—

|                        | Arms.        | Men armed.  |
|------------------------|--------------|-------------|
| Auckland               | 5,991        | 5,937       |
| Wellington             | 1,554        | 1,196       |
| Whanganui              | 751          | 552         |
| Taranaki               | 865          | 819         |
| Hawke's Bay            | 750          | 750         |
| Colonial Defence Force | 375          | 375         |
| Total                  | <hr/> 10,286 | <hr/> 9,629 |

In addition to which, orders have been dispatched to England for—

3,500 rifles  
 1,400 breech-loading carbines  
 1,200 revolvers.

With the requisite accoutrements and ammunition.

THOMAS RUSSELL.

Colonial Defence Office, Auckland, 20th October 1863.

NOTE.—By the latest information from Whanganui there were only 50 men of the Colonial Defence Force stationed at Rangitikei, but authority has been given for enrolling an additional 25 men there, and no difficulty was anticipated in carrying out the instruction, and it is believed the required number is now enrolled.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 139.)

Government House, Auckland, October 26, 1863.

(Received January 9, 1864.)

MY LORD DUKE,

(Answered No. 27, February 26 1864, page 107.)

\* Page 100.

I HAD the honour of receiving on the 22nd instant your Grace's Despatch No. 88,\* of the 25th August last. I thought it my duty to communicate it at once to my responsible advisers, and I have accidentally learned that it has, by direction of the Colonial Secretary, been published and copies of it distributed to some of the members of the General Assembly. This has been done without my having been consulted on the subject, and I have not yet been informed that it was intended to publish it, nor has a printed copy been sent to me.

2. I do not mention this in the way of complaint, for I am sure the Colonial Secretary has done that which he thought best for the public service, and that in not mentioning to me what he intended to do, and in not sending to me any copy of the printed paper, he merely forgot to take such steps from the pressure of other important matters upon his mind; but as the Despatch has been published, and I fear that some of the remarks in it might complicate the ultimate settlement of affairs with the natives of this country, and that one remark in it, I have no doubt unintentionally made, reflects unjustly upon myself; I have enclosed a memorandum upon a few points in it, which, if your Grace thinks fit to read, will, I am sure, satisfy you.

That William King gave a reason for his opposition to Te Teira's selling a piece of land at the public meeting, at which that chief offered it for sale, and on several occasions subsequently.

† Page 1.

That the natives used the language which I appear to your Grace to put into their mouths, in my Despatch of the 24th April,† on many previous occasions, and that this language of theirs had been transmitted to your Grace sometimes almost in terms of humble supplication.

That the natives had been informed, not that they were interfering to prevent a survey to ascertain the ownership of land, but to prevent the survey of the Queen's own land, which had been acquired for Her Majesty by purchase from Teira, whose title to it had been investigated and found to be good, and was not disputed by any one.

That William King's letter to the Governor of February 1859 cannot be characterized as an interdict of a rebellious character; but was apparently intended to be a respectful letter.

3. I regret that several misunderstandings connected with the whole of this subject have arisen from the difficulty of the natives making themselves thoroughly understood by foreign authorities, from the figurative nature of their language, from the few persons who understand it well, and from the consequent misinterpretations, omissions, or misprints, which from time to time take place in even the most important documents. I am well aware how great a difficulty and disadvantage your Grace must labour under from this cause alone.

4. Whilst looking at papers to guide me in writing the enclosed memorandum, in addition to the two important misinterpretations or omissions which I have pointed out, I find a translation printed for the purpose of giving information to your Grace and the General Assembly, and which was laid before that body, in which the natives say, I presume from a misprint, that their desire was "to retain possession of the *law* handed down to them from their ancestors and father," as though they wished to abjure the Queen's laws, whilst, upon reference to the original, I find that what they said was that "their desire was to retain possession of the *land* handed down to them by their ancestors and father."

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,

(Signed) G. GREY.

&amp;c.

&amp;c.

&amp;c.

## MEMORANDUM.

IN the Secretary of State's despatch, No. 88, of the 25th of August 1863, the following remarks are made in reference to the conduct of a chief named William King.

"In the same way at a public meeting where Teira offered the land, and during the many months which elapsed before the survey, he (William King) gave no reasons for his opposition, he afforded no explanations of it, either such as were provided for him by others at the time, or such as might be drawn from the statements which you have now conveyed to me."



In reference to this point it will be found by an enclosure to Governor Browne's Despatch No. 10 of 25th of July 1860, that in the official account of the meeting of the 25th March 1859 it is reported that William King gave a reason for his opposition to the sale of the piece of land, insisting on his own possession of it.

In his letter to the Governor of the 25th of April 1859, this chief again gave the Governor the same reason against the sale of the land, saying,—

"I will not agree to our resting place being sold, for that resting place belongs to the whole of us."

Again, on the 29th of November 1859, this same chief informed Mr. Parris, that the reason he would not consent to the sale of the land was,—

"That the land belonged to Taylor together with all of us."

Although attention was first specially called to this point in Sir George Grey's Despatch No. 96 of the 11th August 1863, it will be found that the natives early in 1860, with almost earnest passion, asserted that William King's answer was such as it now really proves to have been, and that it had been misinterpreted.

Their allegations on this point were at that time either not attended to or not believed.

But their statement is that William King answered as follows:—

"Yes, his (Teira's) title is good to his own pieces within the boundaries of that land, two or three pieces. Our title is equally good to our own pieces, some have one, or two, or three, or four within that block. William King stated this; but what he said has been misinterpreted by the Land Commissioner of Taranaki, who asserts that William King said the whole of the land was Teira's. It was his determination to take the land by force, and his ignorance of the Maori language which made him pervert what William King said."

The question of a sale of this piece of land involved the interest and conduct of many other persons besides William King, and it will be found in various letters transmitted by Governor Browne that the natives invariably alleged the same reasons for opposing the sale of this piece of land which Teira offered to dispose of, although some of those were only received during the progress of the war, as for instance:—

"It was a land of complicated claims, the property of the whole tribe, the site of villages and cultivations, and besides that William King and his tribe were in occupation of it."

Upon reference to the enclosures to Governor Browne's Despatches it will be found that the natives urged in letters transmitted to the Secretary of State, sometimes in terms of humble supplication, language often identical with that which is stated in the Secretary of State's Despatch No. 88 of the 25th of August 1863 to have been put into their mouths, in Sir George Grey's Despatch of the 24th of April of the same year. The following extracts from such native letters will show this:—

"Was it by their permission that our lands inherited from our ancestors became our property, which lands have all been taken from us at the point of the sword?"

"Was it they who gave our ancestors all their cultivated lands," which I have already mentioned, "when they went from Waikanae, which cultivations the soldiers have taken with the edge of the sword?"

"We have portions of the land at Waitara within the boundaries of the land which Teira wrongfully sold to the Governor. This land belongs to us, and to those who were driven off that land, and belonged to the ancestors of us all."

"How can they justify the denial of our claims, or of those who have been forcibly driven from it?"

"In our opinion Teira's act was a great crime, and nothing can be said in his behalf which can hide his unjust act."

"Is thieving indeed then a legitimate occupation? It has been said to be a wicked one. It must be that only a theft by a Maori is wrong, but when an European commits one it is a laudable action."

"If that land shall be permanently wrested from them, then this saying will be handed down through all future generations, 'that land was forcibly and unlawfully taken away by a Governor appointed by the Queen of England.'"

"They say the land all belongs to Teira. No, that land belongs to us all, to orphans and to widows."

"Should we look to the Queen? or to whom? We had always thought that the law afforded protection from wrong; we are at the present time wholly at a loss as to what course to adopt."

"Now we are altogether perplexed, and exclaim alas! alas! this is a new proceeding on the part of our Queen."

"The good which used to be associated with the mention of your name, and which caused the Maories of this island to regard you only as our Mother, has been lost; your name was then sweet to the hearts of your Maori people."

"Your Majesty's name also became strange to this people, now for the first time we have been hunted with evil."

"Oh Mother, do not listen to fabrications which are probably being written to you, to the effect that the Maories are fighting against your sovereignty; it is a fabrication. Understand that this is really a quarrel about land."

"They were loving subjects of yours; their object was not to trample upon the law, but rather to retain possession of the land which was handed down to them by their ancestors and fathers. They did not wish to sell that land; this unwarrantable proceeding has occasioned grief and confusion to all of us, because we know that this system is not yours, this taking away, without cause, of the land of other people, and of the orphan and widow."

"The Queen's sovereignty has been acknowledged long ago. Had it been a fight for supremacy, every man in this island would have been up in arms. But in the present case the fighting is confined to the land which is being taken possession of."

They also universally contended, not only that they had committed no crime against the Queen, but that some of them had previously rendered Her Majesty valuable services, which they had done.

In regard to the statement made in the Secretary of State's Despatch,—

"That far from William King's followers being evicted as it were for the purpose of taking possession

NEW  
ZEALAND.

"of the purchased land, they themselves in the consciousness of hostility abandoned their Pas." It should be borne in mind that the troops did not take possession of the land until the 5th of March, and that on the 22nd of February the Government had issued a notice to the natives, warning them that from that date the law of fighting was about to commence in the district of Taranaki; the Europeans were, on the same day, informed that active military operations were about to be undertaken against the natives.

This notice, followed by the march of armed troops, ordered to maintain occupation on behalf of the Crown, of a block of land purchased by the Crown from Te Teira, would probably not make the natives think that, in abandoning their villages, they did so in the consciousness of hostility. Their own statement is that they were forcibly driven from it.

In the Secretary of State's Despatch, No. 88 of the 25th of August, the following paragraph occurs:—

"I hold therefore that no injustice, and it is with justice only that I am dealing, was either intended or done to William King and his followers by the employment of a military force to carry into effect the survey of the Waitara land, for the purpose of ascertaining how much or how little of it was owned by Teira and the others who joined with him in the sale to the Crown."

It is presumed that no one will for a moment contend that the Governor intended to do an injustice to the natives, but this much should be said in their defence.

\* Vide Papers  
presented  
March 1861,  
page 17.

A reference to Governor Browne's Despatch, No. 27\* of the 22nd of March, will clearly show that the military force was sent to the Waitara, not for the purpose of carrying into effect the survey of the Waitara land, for the object of ascertaining how much or how little of it was owned by Teira and others who joined with him in the sale of it.

The enclosures to that Despatch distinctly explain as follows:—

"Previously to the march of troops, a manifesto had been published in the Maori language, and widely circulated by special agents amongst all the tribes in the Northern Island."

That manifesto declared as follows:—

"The Governor accepted Te Teria's offer conditionally on its being shown that he had an undisputed title."

"Te Teria's title has been carefully investigated and found to be good. It is not disputed by any one. The Governor therefore cannot allow William King to interfere with Te Teira in the sale of his own land."

"Payment for the land has been received by Te Teria. It now belongs to the Queen."

"William King has interfered to prevent the survey of the Queen's land by her own surveyors. This interference will not be permitted."

What the natives are here told appears to be that William King has interfered to prevent the survey of the Queen's land, which had been acquired by purchase from Te Teira, whose title to it had been investigated and found to be good, and was not disputed by any one; not that he interfered to prevent a survey to ascertain the ownership of the land in dispute.

Again the Secretary of State's Despatch, No. 88 of the 25th of August 1863, states,—

"In February 1859, before the Waitara question arose, he (William King) had given notice to the Governor that he would allow no land to be sold within a district extending 40 miles north of the European boundary at Taranaki, an interdict of a rebellious character, to which the reasons now or formerly alleged against the Waitara sale can of course have no application."

By the treaty of Waitangi the chiefs and tribes of New Zealand, and the respective families and individuals thereof, were guaranteed the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to retain the same in their possession.

At the date of William King's letter, which is regarded as an interdict of a rebellious character, the natives of Taranaki and its neighbourhood were and had been for some years engaged in a series of blood feuds, in which the Government had frequently been earnestly solicited by the natives to interfere to prevent the loss of life which was going on, but the Government declined to do so. And these feuds had all originated in disputes regarding portions of land which the Government wished to purchase from various native claimants. It was under these circumstances that an assemblage of land-owners had met, and being a "runanga" chosen for that year, agreed that they would still decline selling portions of their lands within certain limits. Many of these people had previously sold very large tracts of land to the Government to meet the wishes of the Europeans. Their letter to the Government was written and signed by the chief William King. It is submitted that the letter itself is a respectful letter, and this unfortunate circumstance has taken place, that in the printed translations of the letter, these respectful words at its conclusion are omitted (my love is this letter to you). A correct translation of the letter is herewith enclosed, as there is at least one other important omission in the printed translation, which is that which has, it is believed, been always laid before the Government.

The object the natives had in making such an arrangement amongst themselves, as is disclosed in this letter of William King's, is explained in their own language in another native letter.

"It was settled so in consequence of your bad system of purchasing land. For we had lost numbers of our people through this same land purchasing. Whenever the Government shall have laid down some equitable system of land purchase, and when calm is once more restored, then the tribes who are for selling will sell their lands under a properly regulated system."

(Signed) G. GREY.

Auckland, New Zealand, 26th October 1863.

Copy.

Waitara, February 11, 1859.

O FRIEND, O Governor, salutation. Mine is a word to you and to Mr. McClean, that you may both hear of our council (runanga) about land. Do you both listen to me.

At Waitaha (commences) the boundary, thence by the boundary of Tarururangi, till it reaches Mangaraka, then on till it reaches Waiongana. There it stops. It then takes a course in mid-channel of Waiongana and arrives at the boundary of Paritutu. That ends there.

Dated  
Waitara,  
11 Feb. 1859.



It commences again at the mouth of the river Waitaha. Going along the sea coast it takes a north course to Waiongana, Waitara, Turangi, Waiau, Onaero, Urenui, the Kaweka, Kupuriki, the Waiti, the Pareora, Pukearuhe, Parinihi, Tongaporutu, Karakaura, the Kawau, Poutama, Mowhakatino.

At Mokau is the boundary of the land for our own selves. These are the lands which will not be given up by us to the hands of you and the Governor, lest we become like the birds of the sea which are resting on a rock. When the tide flows that rock is covered by the sea. The birds fly away, because there is no resting place for them.

For this reason were called to mind by me what was said in former times about holding land. My word is not a new word, it is an old word.

Governor Hobson heard it, Governor Fitzroy, Governor Grey, and when you came, O Governor Browne, my word was still the same, to all of you Governors, that my land should be held.

You, Mr. McClean, are aware of that word of mine at the time of your first arrival here when you saw me. The same was the word to you "I will not give you the land."

Therefore I have written to you and the Governor that you might hear of the council of this new year that the land be still held. Because some of the Maori people are continuing anxious to sell land, from this cause disaster draws nigh to us. Hence it has been imputed to me that I was the cause of disaster. No. The obstinacy of people was the cause. Though they have heard they still persist.

In case you hear of the thought of any one desiring to sell any piece of land within these boundaries which are here set forth to you, don't assent to it, because there is no approval of that custom, selling land. Enough.

Salutation to you, O Governor Browne and Mr. McClean. My love is that letter to you, it will be for you also to write your love to me.

From your Friend,  
(Signed) WIREMU KINGI WHITI.

Correct translation,

Edward Shortland, Native Secretary.

26th October 1863.

No. 45.

No. 45.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 142.) Government House, Auckland, October 30, 1863.

(Received January 9, 1864.)

(Answered No. 12, January 26, 1864, page 106.)

MY LORD DUKE,

I HAVE the honour to transmit, for your Grace's information, a certified copy of the evidence taken at the Coroner's inquest held on view of the body of Margeret Fahey, who was barbarously murdered by the Maoris at Rama Rama near Drury on the 16th inst.

Not printed.

I have, &c.

His Grace the Duke of Newcastle, K.G.,

(Signed) G. GREY.

&c. &c. &c.

No. 46.

No. 46.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 145.) Government House, Auckland, November 2, 1863.

(Received January 9, 1864.)

(Answered No. 9, January 25, 1864, page 106.)

MY LORD DUKE,

I HAVE the honour to transmit, for your Grace's information, the copies of two letters I have received from Lieutenant-General Cameron, C.B., the first enclosing copies of reports from Major Butler, and Captain Shortt of the 57th regiment, the second enclosing a report from Captain Atkinson, Taranaki Volunteers.

Lt.-Gen.  
Cameron, C.B.,  
to Sir G. Grey.  
30 Sept. 1863.

Lt.-Gen.  
Cameron, C.B.,  
to Sir G. Grey.  
6 Oct. 1863.

I have, &c.

His Grace the Duke of Newcastle, K.G.,

(Signed) G. GREY.

&c. &c. &c.

Enclosure 1 in No. 46.

LIEUTENANT-GENERAL CAMERON to the GOVERNOR.

SIR,

Head Quarters, Queen's Redoubt, September 30, 1863.

I HAVE much pleasure in forwarding, for your Excellency's information, the accompanying copy of a letter from Colonel Warre, C.B., commanding at New Plymouth, enclosing reports from Major Butler and Captain Shortt, 57th regiment.

I have, &c.

His Excellency Sir George Grey, K.C.B.,

(Signed) D. A. CAMERON,  
Lieut.-General.

&c. &c. &c.

Auckland.

NEW  
ZEALAND.

SIR,

New Plymouth, New Zealand, September 26, 1863.

I HAVE the honour to report, for the information of the Lieutenant-General Commanding, that the military and civil forces under my command have again inflicted a severe chastisement on the rebel natives.

On the 24th inst. it was reported to me that Mr. Clare, a settler at Bell Block, engaged in his ordinary pursuits on his own land, had been fired at by a party of natives, who were said to be encamped at a place called Ninia, a short distance over the boundary.

Being aware that a number of natives had lately arrived from the south at Matatawhai, I thought it probable that they might wish to try their strength against the troops on this comparatively open ground. I directed Major Butler to march at 3 o'clock, a.m., on the following day with the force noted in the

|                  | F. O. | Cap. | Sub. | Ser. | Drs. | R. & F. |
|------------------|-------|------|------|------|------|---------|
| * 57th Regiment  | 1     | 1    | 4    | 4    | 3    | 100     |
| Taranaki Militia | 0     | 2    | 0    | 1    | 1    | 53      |
| Total            | - 1   | 3    | 4    | 5    | 4    | 153     |

margin,\* and although the weather was extremely unfavourable, he reached the points indicated by daylight, not however without disturbing the natives, who were scattered in several parties about the neighbourhood. A sharp skirmish immediately commenced, which resulted in the natives being driven across the two rivers into the bush leading towards Mataitawhai, with the loss of their principal chief, Enoka, William King's brother, and three or four other natives severely wounded, and without a single casualty on our side.

I beg to forward Major Butler's report, and I have much pleasure in drawing the Lieut.-General's attention to the admirable conduct of Captain Shortt, the officers, non-commissioned officers, and men of the 57th regiment, and to that of Captain Webster, the officers, non-commissioned officers, and men of the Volunteer company, who, in spite of the weather, which was very wet and cold, undertook this long night march with the utmost cheerfulness, and, as I wished and intended, proved to the natives that they cannot attack settlers or commit depredations on their property with impunity.

The troops were very anxious to follow the natives through the bush, but Major Butler restrained them, and, with great judgment, withdrew them leisurely, the natives being afraid again to encounter the troops in the open.

The Assistant Military Secretary,  
Head-Quarters.

I have, &c.  
(Signed) H. J. WARRE,  
Colonel.

SIR,

New Plymouth, New Zealand, September 25, 1863.

I HAVE the honour to report that, agreeably to instructions received from you, a force, strength

|                     | F. O. | Off. | Ser. | Dr. | R. & F. |
|---------------------|-------|------|------|-----|---------|
| * 57th regiment     | - 1   | 5    | 4    | 3   | 100     |
| Taranaki Volunteers | - 0   | 2    | 1    | 1   | 53      |
|                     | 1     | 7    | 5    | 4   | 153     |

as per margin,\* paraded at 2.30 a.m. this morning, and proceeded to reconnoitre the positions of the rebel natives in the vicinity of the pa at "Kaipakopako," and, if practicable, to entrap them in an ambuscade. I divided my force into two parties, and left town with the first (consisting of three officers and seventy men of the 57th regiment), at 3 a.m. Passing the Bell Block, I crossed the Mungaraka river, near Mahoetahi, and proceeded about a mile and a half on the road towards Mataitawa. I here placed half my men under the brow of a small hill, about four hundred yards from the cross-roads, one of which leads up to Mataitawa, and the other back to Bell Block, by the Upper Mungaraka Ford, leaving the remainder in support a short distance in rear. A few minutes after I thus placed my men, we saw a party of about seven or eight natives walking up the road from Kaipakopako. When they arrived at the cross-roads, I opened fire upon them, upon which they almost immediately concealed themselves in the fern. I then brought my men down upon them, and followed them down the road towards Manutai, as far as the ford of the Waiongona river. I did not consider it advisable to follow them across this river, as there were still a large number of natives in my rear in the neighbourhood of Kaipakopako.

I was unable to ascertain at the time what effect our fire had on the natives, though I could see from the marks of blood, &c., that one if not more of them had been badly hit; and I have since learned that one native was killed and three more wounded. I then withdrew my men by the road leading straight to Bell Block, recrossing the Mungaraka river by the upper ford, near which I was joined by the remainder of my force, under the command of Captain Shortt, 57th regiment, who, acting under my directions, had left the town about 3.15 a.m., and proceeded to this place, and whose report I have the honour to append.

I then marched the whole of my force back to New Plymouth, which I reached about 11 a.m.

I would beg to bring to your favourable notice the admirable conduct of the whole of the officers, non-commissioned officers, and men under my command, more especially the steadiness with which they endured a most fatiguing march of upwards of 20 miles over very bad roads, and for a great portion of the time under heavy rain.

Col. Warre, C.B.,  
Commanding Troops, Taranaki.

I have, &c.  
(Signed) H. BUTLER,  
Major Commanding 57th Regt.

SIR,

New Plymouth, New Zealand, September 25, 1863.

I HAVE the honour to report that, according to instructions received from you, I marched at 3.15 a.m. this morning with a party, strength as per margin,\* and arrived at Mungaraka river a little after daybreak. I divided my men, placing half the number in ambuscade, and overlooking the Mungaraka ford, having a small belt of bush on my right, the other half in support, well concealed on some high ground a short distance to my rear, which commanded the whole country.

A few minutes after my arrival I observed natives ascending the hill on the other side of the river, who were immediately fired on by the party under Major Butler, and pursued by him. Hearing



natives talking on the other side of the belt of bush to my right, I withdrew my ambuscade and took my men round by the rear of this belt, as I was informed that it was exceedingly swampy. I came suddenly on a body of natives, who retired, firing, into the bush, where I did not think it advisable to pursue them, not being aware how many natives were about. On my being joined by Major Butler's party, the enemy opened fire at long ranges from various parts of the bush.

The men behaved well, though it was with some little difficulty that I could restrain their impetuosity and eagerness to pursue.

Major Butler,  
Commanding 57th Regiment.

I have, &c.  
(Signed) W. A. SHORTT,  
Captain, 57th Regiment.

Enclosure 2 in No. 46.

LIEUTENANT-GENERAL CAMERON to the GOVERNOR.

Encl. 2 in  
No. 46.

SIR, Head Quarters, Queen's Redoubt, October 6, 1863.  
I HAVE much pleasure in forwarding for your Excellency's information, the accompanying copy of a letter from Colonel Warre, C.B., commanding the troops at New Plymouth, enclosing a report from Captain Atkinson, Taranaki Volunteers.

His Excellency Sir George Grey, K.C.B.  
&c. &c. &c.

I have, &c.  
(Signed) D. A. CAMERON,  
Lieutenant-General.

SIR, New Plymouth, New Zealand, September 30, 1863.  
I HAVE the honour to transmit, for the information of the Lieutenant-General commanding, the accompanying report from Captain Atkinson, the senior officer in command of the volunteers organized to patrol the settlement, with a view to prevent the incursions of rebel Maoris. It is with much pleasure I draw the Lieutenant-General's attention to the satisfactory result of this encounter between the civilian forces of this province and the rebel Maoris, and to the persevering efforts of Captains Atkinson and Webster and the officers and men under their command to carry out the important duties entrusted to them. In all weather, and at all hours, have these companies sought the enemy; and it is to their constant patrolling, not only the immediate vicinity of the town, but the outskirts of the settlement, that I attribute the little annoyance we have experienced from the presence of, it is now stated, some 500 of the rebels, who occupy strong positions on the edge of the bush between the Bell Block stockade and Mataitawa.

Captain Atkinson possesses all the energy and perseverance requisite to make him a first rate "guerilla" leader, and he is most ably seconded by the officers he has trained, as well as by the non-commissioned officers and men who form his force. They have co-operated with the regular troops on several occasions, and I am much indebted to their exertions, their endurance of fatigue, and their willing cheerfulness in the performance of their arduous duties.

I am happy to state that no casualties occurred, although the escapes of several of the men engaged appear to have been marvellous.

The Assistant Military Secretary,  
&c. &c. &c.  
Head Quarters.

I have, &c.  
(Signed) H. J. WARRE,  
Colonel commanding troops in Taranaki.

SIR, Taranaki, September 29, 1863.  
I HAVE the honour to report for the information of the Colonel commanding, that this morning, at 3.20 a.m., I left town with my own and Captain Webster's company of bushrangers for the purpose of laying an ambuscade in the vicinity of the Bell Block. We planted and remained in ambush till 8.30 a.m., but without success. We then moved inland by the boundary line of the Bell Block, and upon reaching Street's clearing, which is covered with high fern, we surprised a party of about thirty Maoris. They returned our fire well for a few minutes, but very soon took to the bush, and then right away. We continued our march to Greenway's, where we surprised another party of about the same number; they also, after a short skirmish, made off as fast as possible. This party was apparently in waiting for a small escort from the Bell Block stockade fetching firewood.

Knowing the strength of the natives in the immediate neighbourhood, I did not consider it prudent to follow up either of the parties, or to attempt to surround them, which could have been done in both cases had I felt certain of their numbers.

I believe we killed two, if not more, and wounded several.

We took six mats, two stained with blood, several haversacks and kits with food in, and one bag containing twenty-two leaden bullets.

There were no casualties, I am thankful to say, on our side, except one man (Rushton), just touched in the ear.

We reached town on our return at 2 p.m.

To Captains Webster and Messenger, to Lieutenant Jonas and Ensign Brown, and to Assistant-Surgeon Webber, my best thanks are due. The conduct also of the non-commissioned officers and men, upon whom so much depends on such occasions, was most satisfactory.

The Garrison Adjutant, Taranaki.

I have, &c.  
(Signed) H. A. ATKINSON,  
Captain T.R.V.

NEW  
ZEALAND.

No. 47.

No. 47.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace  
the Duke of NEWCASTLE, K.G.

(No. 146.)

Government House, Auckland, November 2, 1863.

(Received January 9, 1864.)

MY LORD DUKE,

(Answered No. 9, January 25, 1864, page 106.)

I HAVE the honour to transmit for your Grace's information the copy of a letter I have received from Lieutenant-General Cameron, C.B., enclosing copy of a report from Colonel Warre, C.B., commanding at New Plymouth, relative to a severe engagement with the natives which took place near Poutoko in the province of Taranaki on the 2nd ultimo. The Lieutenant-General reports that the regular troops, as well as the Militia and Volunteers, displayed their usual gallantry in repelling the attack of very superior numbers of the enemy, and that Colonel Warre, C.B., evinced great judgment and ability throughout the action.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,

(Signed) G. GREY.

&amp;c. &amp;c. &amp;c.

incl. in No. 47.

Enclosure in No. 47.

LIEUTENANT-GENERAL CAMERON to the GOVERNOR.

SIR,

Head Quarters, Queen's Redoubt, October 6, 1863.

I HAVE the honour to forward copies of a report from Colonel Warre, C.B., commanding at New Plymouth, and its Enclosures, relative to a severe engagement, which took place near Poutoko, on the 2nd instant, from which your Excellency will be glad to learn that the regular troops, as well as the militia and volunteers of the province, displayed their usual gallantry in repelling the attack of very superior numbers of the enemy. Colonel Warre evinced great judgment and ability throughout the action.

I have, &amp;c.

His Excellency Sir George Grey, K.C.B.,

(Signed) D. A. CAMERON,  
Lieutenant General.

&amp;c. &amp;c. &amp;c.

SIR,

New Plymouth, New Zealand, October 3, 1863.

I HAVE the honour to transmit the accompanying reports from the officer commanding at Poutoko, and to report, for the information of the Lieutenant-General commanding, that later in the day the rebel Maoris, from 600 to 800 strong, advanced with great determination to attack the redoubt.

Knowing that the Maoris had been collecting their forces, and by information I received the previous evening, I was somewhat prepared for this attack, although I did not know against what quarter it was intended, and large fires lighted in every direction were evidently meant to withdraw our attention from the real point.

On receipt of Captain Wright's letter, I immediately sent Major Butler, 57th regiment, to take command, and the reinforcements stated in the margin, being all the men I could spare, compatible with the safety of the town.

On Major Butler's arrival at Poutoko, he found that the Maoris were advancing from Hurford's clearing and Brown's land to the left and left rear of the redoubt; and as the ground is tolerably open, he advanced to meet them with about 100 men of the 57th and 70th from the redoubt, directing Captain Armstrong, with about 40 militiamen, from the Omata stockade, to hold the redoubt.

As it was now quite evident on which side the attack was directed, I followed the reinforcements, and directing Captain Shortt to proceed by the new line of road from Omata village towards Allan's Hill, and Captains Atkinson and Webster to continue their march by Waireka Gully, I went forward and found Major Butler engaged by a very superior number of the enemy who had possession of the bush, flanking the fields over which he had advanced. The firing was very heavy and several casualties had occurred; but the timely arrival of Captain Shortt, who at once attacked the rebels upon their right flank, enabled Major Butler to recover his ground, and to oblige the rebels to take refuge in the densely wooded gullies, from whence, and from the high trees on the opposite banks, they kept up an incessant, but fortunately not very effective, fire.

Captain Shortt also found himself opposed by very large numbers of rebels, who for a short time disputed his passage across the narrow neck of land between two deep gullies, near Touet's house. With the most determined gallantry, his party forced their way across the broken half cleared ground; and the arrival of the volunteers, under Captains Atkinson and Webster, enabled us to become the assailants, and the Maoris were driven into the bush covered gullies, where I felt that it would have been but a useless sacrifice of life to follow them.

During this action, which lasted upwards of an hour, word was brought to me that 200 or 300 Maoris had crossed the Tāpuae river, and were advancing towards the redoubt by the point, or Bob Erangi's pa, from whence they kept up a useless fire, until dislodged by shell from the howitzer, which is kept in the redoubt. I also sent a sub-division, under Lieutenant Mills, to prevent the enemy from getting round the right flank, between the redoubt and the sea.



The troops and volunteers now held every commanding point from Waireka Hill, which had always been kept open by a strong picquet, to the redoubt; and the Maoris, evidently satisfied that they could make no impression, gave vent to their rage by repeated volleys and the most frightful yells; after which they retired: and as the troops and volunteers from town had marched six or eight miles and had been continually engaged from the moment of their arrival, I did not think it right to allow them to follow the Maoris, who got away; not, I hope, without serious loss. By thick bush on the way to the Upper Ford of the Tapuae river en route to Kaitake, the troops bivouacked on the ground until the afternoon, when they returned to town, leaving a reinforcement of 50 men at the redoubt.

Nothing could exceed the admirable conduct of the officers, non-commissioned officers, and men, of both regular and militia forces engaged.

I am greatly indebted to Major Butler, 57th regiment, for his persevering efforts to keep back the enemy, nearly six times as numerous as the party he had in the first instance to support his advance; also to Lieut. C. M. Clarke, D.A.Q.M.-General, and Lieut. E. Brutton, Garrison Adjutant, who accompanied me, and rendered me every assistance; as also did Lieut. and Acting Adjutant W. Thompson, 57th regiment, who at the head of a small party dislodged the enemy from a piece of bush from whence they had kept up a galling fire. Captains Shortt, 57th, and Wright, 70th regiments; Captains Atkinson and Webster, of the volunteers, and all the officers, set an example to their men, which was nobly responded to; and the presence of Surgeon Mackinnon, of the 57th regiment, and the other medical officers, very materially relieved the sufferings of the wounded who were brought into town during the afternoon, and who, with the exception of one man (Private Finn, 57th regiment) since dead, are progressing favourably.

I should wish to bring specially to the notice of the Lieutenant-General Commanding, the noble conduct of Ensign Down, 57th regt., and Drummer Dudley Stagpoole, who under a tremendous fire from natives not 40 yards from them, brought away wounded men at the risk of their own lives; their efforts being ably seconded by private Antonia Rodrigues, a mounted orderly of the Taranaki militia, who carried two men off the field on his horse, and galloped through a party of rebel Maoris to take my orders to Captain Shortt. At the risk of troubling the Lieutenant-General with the great detail, I beg to forward Captain Shortt's report, as it specially mentions the above individuals, and bears evidence to his own gallant conduct in this severe engagement.

I must also beg to be allowed to mention the excellent conduct of Captain Mace, T.M., and the mounted orderlies, who accompanied the troops, and were unceasing in their efforts to assist the wounded, and to distribute ammunition.

I have just received the enclosed report from Major Butler, which I forward, as it supports my testimony of the gallant conduct of all engaged. I also append a list of casualties, which, although large, is far less than I had any right to expect.

The natives are still in the bush, about two miles from the redoubt. and are very numerous at Kaitake, but have made no further move this morning.

The Assistant Military Secretary,  
Head-Quarters.

I have, &c.  
(Signed) H. J. WARRE, Colonel,  
Commanding Troops, Taranaki.

SIR,

St. Patrick's Redoubt, October 2, 1863.

I HAVE the honour to report that I observed the smoke of a large fire at the ford at Hurford's clearing yesterday evening at about 6 o'clock, and as it was necessary to send out a wood party to-day I sent Mr. Mills with 40 men to lay in ambush at 3 a.m., on the hill overlooking the Maori track, and thus to protect the wood party.

I have the honour to enclose his report on the matter, by which you will see he was fired on. I went to his support with 30 men, and found him at Allen's Hill, and that he did not require any more men. I left him to lay an ambush on a spot overlooking the place where the shots were fired from yesterday, thinking that the natives might come there to-day again, but he has since returned without seeing anything.

About 60 Maoris or more are at present pulling down the Oakura redoubt.

I have, &c.  
Colonel Warre, C.B., (Signed) A. B. WRIGHT,  
Commanding Troops, Taranaki. Captain, 70th Regiment.

SIR,

Poutoko, October 2, 1863.

I HAVE the honour to report for your information, that, in accordance with instructions I received from you, I proceeded this morning at 3 a.m., strength as per margin,\* to the hill overlooking the Tapuae river, with the intention of laying an ambuscade in order to cover a wood party which was to leave the redoubt at 8 a.m. On reaching Touet's house I formed single rank, and moved in that order up to within 40 yards of the crest of the hill, when several Maoris, who were evidently on sentry, immediately rose up and fired. I ordered my men to return the fire, which they did, and then I rushed up to the top of the hill, upon which the natives retired into the dense bush, two or three of them appearing to be badly wounded, leaving behind them six mats, one Maori kit full of bread, and a tomahawk. I followed them a short distance, but finding the bush too thick, and it being very dark at the time, I contented myself by holding the crest of the hill, in the event of an attack by a large number of natives. I remained there for about a quarter of an hour, but hearing the voices of a great number of Maoris, I should say at least 200, I deemed it advisable to withdraw my party to some more open spot, and I accordingly

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moved back to Allen's Hill, where I posted my men, and waited until daybreak. I beg you will bring to the notice of the Colonel commanding the admirable conduct of the men under my command; the silent and orderly way in which they behaved enabling me to surprise these Maori sentries.

Ensign Broderip and Dr. Tomlinson were with my party, and greatly assisted me in every way.

Captain Wright,  
70th Regiment, Commanding at Poutoko.

I have, &c.  
(Signed) EDWARD MILLS,  
Lieutenant, 57th Regiment.

SIR,

New Plymouth, October 2, 1863.

I HAVE the honour to report, for the information of the officer commanding the regiment, that, in compliance with instructions received, I marched this morning with a party, strength as per margin,\* with orders to proceed to Poutoko. On the road I was overtaken by Colonel Warre, C.B., who directed me to advance to the redoubt by the bush road near Touet's house. Shortly after we had turned down this road I heard firing on my right, in the direction of Poutoko. I at once strengthened my advance guard and pushed on as rapidly as I could, and became engaged with the enemy near Touet's house. The natives immediately retreated to the bush, and opened fire upon my party from all directions. Leaving a reserve on Alwyn's Hill to protect my rear I advanced towards the bush, but being met with a tremendous fire I got the men under cover behind logs, &c., and endeavoured to keep down the fire of the enemy. I then charged the bush, but perceiving that it was occupied by a very large body of natives I desisted, and got my men again under cover, and remained at this spot until I received orders from Colonel Warre to retire gradually; which I did, occupying Alwyn's Hill with the whole of my party, and we then retired in good order towards Poutoko.

I beg to bring to your notice the excellent conduct of the two officers with me—Ensigns Douglass and Down. The latter officer volunteered and with four men brought in the body of a wounded man under a very heavy fire. Drummer Dudley Stagpool I would wish also to recommend most favourably to your notice; for, although wounded in the head, he twice volunteered and brought in wounded men. I cannot indeed speak too highly of the conduct of all my men; notwithstanding the superiority of the enemy in numbers, and the exceedingly heavy fire with which we were assailed, they were cool and collected and obedient to orders, which enabled me to retire with such slight loss and in good order, in the face of a very large body of natives, who lined the whole belt of bush to my front.

The Adjutant, 57th Regiment.

I have, &c.  
(Signed) W. A. SHORTT,  
Captain, 57th Regiment.

SIR,

New Plymouth, New Zealand, October 2, 1863.

I HAVE the honour to report that, in accordance with your instructions, I proceeded at 10.30 a.m. this morning to the Poutoko redoubt. On arrival there I was informed by Captain Wright, 70th regiment, that a party under Lieutenant Mills, 57th regiment, had proceeded to Hurford's clearing early in the morning for the purpose of laying an ambuscade, and had come into contact with the natives, killing one and wounding several. I was also informed by Captain Wright that the redoubt had been fired on by the Maoris, and that he had reason to believe that they were assembled in large numbers in the surrounding bush.

I immediately despatched a mounted orderly to Omata for reinforcements, and on their arrival and on hearing that 100 men were on their road from town for my support, I proceeded in charge of the force detailed in the margin\* in the direction of Hurford's clearing, for the purpose of making a reconnaissance and ascertaining as nearly as possible the number and position of the enemy. On arriving at Gilbert's clearing, barely a mile from the redoubt, a very heavy fire was opened upon my party from the surrounding bush, by which Ensign Powys, who commanded the advanced guard, and four men were wounded. I at once returned the enemy's fire, keeping my men as much under cover as possible; but finding myself greatly outnumbered, I ordered my party to retire steadily towards the redoubt.

Learning, however, that 100 men of the 57th regiment, under Captain Shortt, were advancing by the bush road towards the same spot, I advanced my men again, and (the enemy's fire being much weakened by Captain Shortt's attack on their right) drove them back from their position on the edge of the bush, which I then occupied—the natives still keeping up a heavy fire, which was returned by my men.

As the latter part of the operations was carried on under your own immediate supervision, I will omit further details, but must beg to bring to your prominent notice the admirable conduct of the whole of the force under my command, and more especially I would wish to mention Ensign Douglass and Ensign Down—the latter officer having greatly distinguished himself by taking out a small party and bringing in a wounded man: also Ensign Powys, who behaved very well when in charge of the advanced guard before he was wounded.

As the conduct of the parties of volunteers under Captain Atkinson and Captain Webster was brought under your immediate notice, I think it hardly necessary to state how satisfied I was with the valuable assistance they afforded me.

I regret to have to state that one man of the force under my command was mortally wounded, four dangerously, one officer and three men severely, and one slightly.

I append a return of the casualties.

Colonel Warre, C.B.,  
Commanding Troops.

I have, &c.  
(Signed) H. BUTLER,  
Major, Commanding 57th Regiment.



57TH REGIMENT.  
RETURN OF OFFICERS AND MEN WOUNDED 2ND OCTOBER 1863.

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| Com-<br>pany. | Regi-<br>mental<br>No. | Rank and Names.         | Nature of<br>wound. | Remarks.                                                               |
|---------------|------------------------|-------------------------|---------------------|------------------------------------------------------------------------|
| 10            | —                      | Ensign P. E. Powys      | Severe              | Gunshot wound of chest, over heart, penetrating muscles only.          |
| 10            | 2669                   | Corporal Edward Rea     | Dangerous           | Gunshot through left groin, coming through small of back on same side. |
| 10            | 1977                   | Serjeant Samuel Harvey  | Severe              | Gunshot wound of left thigh, muscles penetrated.                       |
| 1             | 2848                   | Drummer Dudley Stagpool | Slight              | Gunshot wound of right side of head, superficial.                      |
| 5             | 266                    | Private William Reeves  | Dangerous           | Gunshot wound through left groin, penetrating.                         |
| 10            | 3125                   | " Patrick Burke         | Dangerous           | Gunshot wound through left lung, right through.                        |
| 4             | 2960                   | " Thomas Finn           | Mortal              | Gunshot wound of right side of head, penetrating brain.                |
| 10            | 2590                   | " Michael Foley         | Severe              | Gunshot wound through left calf of leg.                                |
| 10            | 558                    | " Henry Cain            | Dangerous           | Gunshot wound left groin, lodging in abdomen.                          |

WILLIAM MCKINNON,  
Surgeon, 57th Regiment.

No. 48.

No. 48.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 150.)

Government House, Auckland, November 2, 1863.

(Received January 9, 1864.)

MY LORD DUKE,

(Answered No. 9, January 25, 1864, page 106.)

I HAVE the honour to transmit, for your Grace's information, the copy of a letter I have received from Lieutenant-General Cameron, C.B., enclosing a report from Lieutenant Lusk commanding the Mauku Volunteers, of a very smart engagement which the force under his command had with the natives upon the 23rd ultimo.

Lt.-Gen.  
Cameron, C.B.,  
to Sir G. Grey.  
Oct. 28, 1863.

2. The gallantry shown by Lieutenant Lusk, and all concerned in this engagement, reflects the highest credit upon them. It was no enterprise which they undertook against the natives, but an attack upon one of those murdering and marauding bands which had penetrated far into our settlements for the purpose of murder and plunder. I am satisfied that the spirit with which this party was assailed the moment it was discovered, by so small a body of men, and the severe punishment they received from a European force of only about one-eighth of the strength of their own, will do much to increase the respect of the natives for the courage and determination of the settlers, and to check the marauding parties who have murdered so many people.

3. I have every reason to believe that the loss of the natives was heavy, and although we have so much to regret the considerable loss which we ourselves sustained, it is impossible at the same time not to feel the greatest admiration for the resolute gallantry shown by the small body of men under Lieutenant Lusk's command.

I have, &c.

His Grace the Duke of Newcastle, K.G.,

(Signed) G. GREY.

&c. &c. &c.

Enclosure in No. 48.

Encl. in No. 48.

LIEUT.-GENERAL CAMERON to the GOVERNOR.

SIR,

Head Quarters, Queen's Redoubt, October 28, 1863.

I HAVE the honour to acquaint your Excellency that on the afternoon of the 23rd instant, I received information from Lieut.-Colonel Chapman, commanding at Drury, that Lieut. Lusk, commanding the outposts at Mauku, had reported to him that a large body of the enemy had approached within a mile of Mauku church, and that he had left the stockade with part of his detachment to endeavour to ascertain their strength. Lieut.-Colonel Chapman stated that he had sent a reinforcement of 80 men, under Captain St. John, Waikato Militia, to Lieut. Lusk's support.

At about 10 o'clock that night I received further intelligence that Lieut. Lusk had incautiously engaged the enemy with his small force previous to the arrival of Captain St. John's reinforcement, and being greatly outnumbered and attacked on both flanks, had been compelled to retire with loss.

I immediately ordered Lieut.-Colonel Chapman to despatch a reinforcement of 200 men, 18th and 70th regiments, under Major Ryan, to Mauku, with orders to attack the natives and drive them from the bush, and requested him to call upon Lieut.-Colonel Nixon to co-operate with part of the Colonial Defence Corps from Papakura. I instructed Captain Rutherford, 70th regiment, commanding a

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portion of Lieut.-Colonel Nixon's column, which was encamped at Selby's, to move as rapidly as possible by Tuakau and Cameron to Pura Pura, with the view of intercepting the enemy, who were likely to attempt to recross the river at that point.

Lieut.-Colonel Nixon and Major Ryan arrived at Mauku early on the morning of the 24th, and found that the natives had decamped from the neighbourhood. Captain Rutherford pushed on to Pura Pura as expeditiously as the difficulty of marching through the bush at night would allow, but was too late to cut off the enemy's retreat.

I herewith enclose Lieut. Lusk's report of the engagement. The force which this officer had at his disposal was too small to attack so large a body of natives, advantageously posted in the bush, with any prospect of success, but the gallantry which Lieut. Lusk, and the detachment under his command, displayed in extricating themselves from a very critical position, is deserving of the greatest praise. The conduct of the officers and men of the Mauku Volunteers, and Waikato Militia on this trying occasion was admirable.

I regret to say that two officers, Lieut. Perceval and Lieut. Norman, both of whom greatly distinguished themselves, and six men were killed, and one man dangerously wounded.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) D. A. CAMERON,  
Lieut.-General.

Lieut. LUSK to Lieut.-Colonel CHAPMAN.

SIR,

Mauku Stockade, October 24 1863.

I HAVE the honour to report that I started yesterday morning, with a force as per margin,\* to attack a body of the enemy who were shooting cattle on Mr. Wheeler's farm at the Ti-ti; an advance party of my force, under Lieut. Perceval, got close up to the enemy's position under cover of the bush: when discovered, they were hotly pressed by the enemy, and retired skirmishing in good order on the main body without loss. I then advanced, having been joined by Lieut. Norman with eight men. I drove the enemy through a strip of fallen timber on to open ground beyond; but seeing that they wheeled round into the standing forest on my left flank, where they were largely reinforced, I deemed it prudent to retire. While recrossing the fallen timber, the enemy, numbering from 200 to 300, charged us from the bush on the left, and after about 10 minutes very heavy firing at very short range (from 10 to 20 yards), where both parties suffered severely, I, being outflanked on both sides, retired into the forest on the right. The enemy did not venture to advance on us after we were under cover of the forest. I then reformed my men, and retired leisurely on the stockade. Our loss was 1 lieutenant (Perceval), and 5 men killed; 1 man dangerously wounded; 1 lieutenant (Norman), and 1 private missing. The enemy's loss I believed to be about 16 killed, and a large number wounded. Serjeant Hill and Private John Wheeler specially distinguished themselves by their determined gallantry under most trying circumstances.

\* Mauku Volunteers—1 subaltern, 3 serjeants, 1 corporal, 21 privates.  
No. 9 Company, 1st Battalion, Waikato Militia—1 subaltern, 1 serjeant, 1 corporal, 17 privates.  
No. 4 Company Militia—1 subaltern, 1 serjeant, 1 corporal, 13 privates.

I have, &c.  
(Signed) D. H. LUSK,  
Lieut. Commanding Mauku Volunteers.

N.B.—I omitted to mention that Mr. Norman on the right, and Mr. Perceval on the centre, displayed great gallantry in endeavouring to stem the rush of the enemy, and fell fighting in front of their men.

D. H. LUSK.

EIGHT HOURS LATER.  
We have recovered the bodies.

Lieut.-Colonel Chapman,  
Commanding, Drury.

D. H. L.

No. 49.

No. 49.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 151.)

Government House, Auckland, November 6, 1863.

(Received January 9, 1864.)

(Answered No. 9, January 25, 1864, page 106.)

MY LORD DUKE,

I HAVE the honour to transmit, for your Grace's information, the copy of a letter I have received from Lieutenant-General Cameron, C.B., detailing the nature of his operations during the period comprised between the 29th of October and the 4th November instant.

2. Your Grace will learn with pleasure from this letter of Lieutenant-General Cameron's that the rebel natives have abandoned the position which they had taken up at Mere Mere on the Waikato river.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Lt.-Gen.  
Cameron, C.B.,  
to Sir G. Grey.  
Nov. 4, 1863.



Enclosure in No. 49.

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Encl. in No. 49.

SIR,

Head Quarters, Queen's Redoubt, November 4, 1863.

I HAVE the honour to inform your Excellency that the day following the arrival here of the "Pioneer," being occupied in clearing her of stores, &c., and in landing two 40-pounder Armstrong guns at Whangamarino, which were placed in position to command the landing-place at Meremere, I proceeded on the 29th ultimo in the "Pioneer" with Commodore Sir William Wiseman, and was enabled to make a more complete reconnaissance than before of the enemy's works. They occupied them strongly on this occasion, and fired several rounds at the steamer from three guns which they had in position. I found that the difficulty of landing troops rapidly for an attack, and the resistance to be expected from the nature of the defences had not been over estimated, which induced me to make a further reconnaissance higher up the river, with the view of selecting some point at which a force could be landed to turn the enemy's position while his attention was occupied in front by the steamer and gunboats. I therefore proceeded again on the 31st up the river in the "Pioneer," with Sir William Wiseman, as far as Rangariri, and having observed a point favourable for landing about six miles above Meremere, I arranged with the Commodore to embark the same night the force shown in the margin,\* with two 12-pounder Armstrong guns. The "Pioneer" and "Avon," with the four gun boats in tow, got under weigh at half-past two o'clock on the morning of the 31st, and reached the point fixed for the landing about six o'clock. No attempt was made to oppose the troops, who took up a commanding position about 400 yards from the bank of the river. As I proposed bringing

|                   | F.O. | Cap. | Sub. | Stff. | Ser. | Drs. | R. & F. |
|-------------------|------|------|------|-------|------|------|---------|
| * Royal Artillery | 1    | 1    | —    | —     | —    | —    | 41      |
| Royal Engineers   | 1    | 1    | —    | —     | —    | —    | 9       |
| 40th Regiment     | 1    | 2    | 5    | 1     | 10   | 5    | 282     |
| 65th Regiment     | 1    | 1    | 5    | 1     | 11   | 4    | 280     |
| Total             | 3    | 5    | 11   | 2     | 21   | 9    | 612     |

up an additional force on the following night, I ordered a breastwork to be constructed for the protection of the camp, which I left under the command of Colonel Mould, C.B.

During the afternoon of the 1st, whilst the necessary preparations were in progress for the conveyance of the remaining part of the force, the officer in command at Whangamarino reported that the natives were escaping in canoes up the Whangamarino and Maramarua rivers. I embarked at once in the "Pioneer," with 250 men of the 12th and 14th regiments from the Koheroa, and on reaching Meremere it was evident the enemy had abandoned his position. A party of 250 seamen, under Commander Mayne, R.N., and the detachments from the Koheroa, under the command of Colonel Austen, 2B. 14th regiment, landed on the position, and were ordered to hold the ground during the night, which was occupied the following day by detachments of the 12th, 14th, 18th, and 70th regiments, amounting to about 500 men, who are employed in throwing up a redoubt there.

The steamer "Pioneer" left this about 10 a.m. on the 2nd, for the purpose of communicating with the camp at Takupetohetohe, and ascertained that about three o'clock on the morning of the 1st a small body of natives fired upon the camp, inflicting no loss, and making off as soon as the guns were turned upon them.

I am greatly indebted for the success of the operations described above to the cordial co-operation of Commodore Sir William Wiseman, and to the indefatigable exertions of the officers under his command.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) D. A. CAMERON,  
Lieutenant-General.

No. 50.

No. 50.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 153.)

Government House, Auckland, November 7, 1863.

(Received January 9, 1864.)

(Answered No. 10, January 26, 1864, page 106.)

MY LORD DUKE,

I HAVE the honour to transmit the copy of a letter which I received yesterday from Mr. Justice Richmond in relation to the native land at the Waitara, which has caused so much discussion.

Dated at  
Wellington,  
Oct. 28, 1863.

2. It is in compliance with Mr. Richmond's request that I have forwarded a copy of this letter to your Grace. I will also lose no time in placing it in the hands of my responsible advisers.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Enclosure in No 50.

Encl. in No. 50.

SIR,

Wellington, October 28, 1863.

By this mail I have written to Mr. E. W. Stafford privately requesting that he will in some fitting manner make known to one or to both of the Houses of the General Assembly, my perfect willingness and my desire to submit to any further investigation of my personal conduct in the matter of the Waitara purchase, which the Houses may deem expedient.

I have taken this step in consequence of certain statements in your Excellency's recently published Despatch to his Grace the Duke of Newcastle, announcing your determination to relinquish the position assumed by your Excellency's predecessor in reference to the Waitara purchase.

NEW  
ZEALAND.

Your Excellency in effect states that your personal inquiries at New Plymouth have brought to light various new facts tending to raise suspicions respecting the fair dealing of some of the persons engaged in the transaction, and to create doubts in your Excellency's mind as to whether the true state of the facts respecting the Waitara land may not have been concealed or kept back from Governor Browne.

I have no reason to suppose that your Excellency's suspicions point particularly to myself, nor is it easy to see how I could be guilty of the offence referred to, seeing that under the then existing arrangements of Government, information on native affairs came to the ministers through the Governor and not through ministers to the Governor.

Nevertheless I find that it has appeared to others as well as to myself that your Excellency's surmises may be deemed to point at or include myself, as I then held the position of minister for native affairs, and I am therefore desirous, as I have already stated, to submit myself anew to the proper tribunal for the investigation of my conduct.

The purpose of this letter is to explain to your Excellency that in my request to Mr. Stafford, I am not seeking to re-enter the arena of Colonial politics. I claim no right, I desire no opportunity of publicly vindicating the policy of Governor Browne or of Mr. Stafford's ministry of which I was a member. Still less do I seek to attack the policy of your Excellency or of your Excellency's ministers. Such a course of action would not suit the position I now hold. What I do seek is simply the vindication of my personal character, and the refutation of a charge, which, if true, would I conceive morally disqualify me to hold the position of one of Her Majesty's judges in this Colony.

I further desire that your Excellency would have the goodness to forward a copy of this letter to Her Majesty's Secretary of State for the Colonies, and to inform the Secretary of State that I hold myself bound and am ready to afford to the Crown as well as to the Colony any explanations of my conduct which can fairly be demanded of me.

His Excellency Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) C. W. RICHMOND.

No. 51.

No. 51.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace  
the Duke of NEWCASTLE, K.G.

(No. 155.)

Government House, Auckland, November 7, 1863.

(Received January 9, 1864.)

MY LORD DUKE,

(Answered No. 12, January 26, 1864, page 106.)

Not printed.

I HAVE the honour to transmit herewith for your Grace's information copies of the evidence taken at the coroner's inquests held on view of the bodies of the under-mentioned settlers who were recently killed by the rebel natives in the Auckland district, viz. :—

Job Hamlin, who was shot on the 13th October at Henderson's farm, near Wairoa.

William John Jackson, who was shot down and barbarously mutilated on the 14th October, near Mr. Hay's house at Papakura.

Richard and Nicholas Trust, two young boys, one of them only eight years old, who were murdered on Mr. Kennedy's farm on the Turanga creek, on the 24th October.

2. Your Grace will find from the enclosed papers that the whole of these persons were most cruelly murdered whilst they were unarmed, and were peacefully following their various avocations.

His Grace the Duke of Newcastle, K.G.  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

No. 52.

No. 52.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace  
the Duke of NEWCASTLE, K.G.

(No. 156.)

Government House, Auckland, November 7, 1863.

(Received January 9, 1864.)

MY LORD DUKE,

(Answered, No. 11, January 26, 1864, page 106.)

Memorandum  
by Colonial  
Secretary,  
Nov. 7, 1863.

\* Vide Ho.  
Com. No. 467  
of 1863, page  
134.

I HAVE the honour to enclose the copy of a memorandum I have received from my responsible advisers enclosing the copy of a resolution adopted by the House of Representatives, as embodying their reply to your Grace's Despatch of the 26th of February last,\* regarding the General Assembly assuming the responsibility for the management of native affairs in this Colony. The same resolution will be proposed to the Legislative Council on its next sitting day, and will I have no doubt be carried in that House.

2. It is with pleasure that I call your Grace's attention to the fact that, whilst the House of Representatives cheerfully accepts the responsibility placed upon it, it at the



same time recognizes with the deepest gratitude, the great interest which Her most Gracious Majesty has always taken in the welfare of all races of Her Colonial subjects, and the thoroughly efficient aid which Her Majesty's Imperial Government is affording to this Colony.

NEW  
ZEALAND.

His Grace the Duke of Newcastle, K.G.,  
&c.                      &c.                      &c.

I have, &c.  
(Signed) G. GREY.

Enclosure 1 in No. 52.

Encl. 1 in  
No. 52.

THE Colonial Secretary begs to forward to his Excellency a copy of a resolution adopted by the House of Representatives accepting the responsibility of advising his Excellency on the administration of native affairs, and conducting such administration. The same resolution will be proposed to the Legislative Council, on the next sitting day, but as a mail is closing for England, his Excellency may probably wish to forward the copy now sent to Her Majesty's Government.

(Signed) WILLIAM FOX, C.S.

7th November 1863.

Enclosure 2 in No. 52.

Encl. 2 in  
No. 52.

EXTRACT from the JOURNALS of the HOUSE of REPRESENTATIVES.

Friday, the 6th day of November 1863.

Resolved,—

That this House, having had under consideration the Despatch of Her Majesty's Principal Secretary of State for the Colonies, dated the 26th of February 1863, conveying the fixed determination of Her Majesty's Imperial Government to revoke the arrangement of 1856, and for the future to require the colonists to undertake the responsibility of the management of native affairs, recognizes with the deepest gratitude the great interest which Her most Gracious Majesty has always taken in the welfare of all races of Her Colonial subjects, and the thoroughly efficient aid which Her Majesty's Imperial Government is now affording for the suppression of the rebellion unhappily existing, and the establishment of law and order in the Colony, and relying on the cordial co-operation of the Imperial Government for the future, cheerfully accepts the responsibility thus placed upon the colonists, and at the same time records its firm determination to use its best endeavours to secure a sound and lasting peace, to do justice impartially to both races of Her Majesty's subjects, and to promote the civilization and welfare of all classes of the inhabitants of these Islands.

(True extract.)

(Signed) D. MONRO.  
Speaker.

## Despatches from the Secretary of State.

NEW  
ZEALAND.

No. 1.

Copy of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor  
Sir GEORGE GREY, K.C.B.

(No. 78.)

SIR,

Downing Street, July 25, 1863.

I HAVE received your Despatches noted in the margin respecting native affairs. I deeply regret to learn from them that a party of soldiers has been murdered by a body of hostile natives in the neighbourhood of New Plymouth, and that you are yet uncertain how far the authors of this savage attack will be supported by their countrymen. It is, however, a satisfaction to feel that for the consequences of this outrage neither the Imperial Government nor the Colonial Government nor the European population are in any degree responsible. I rely on your vigor in exacting a fitting punishment for the crime which has now been committed, as I have hitherto relied on your justice and moderation for avoiding all proceedings calculated to precipitate a conflict or to invade the rights or even affront the known prejudices of the native race.

In respect to the Waitara land question I trust to your judgment, and willingly approve the course which, under the circumstances of the case, you have thought it wise and just to adopt.

The accounts which you send me of the state of the Colony are such as to justify, in my opinion, the desire which you express for military reinforcements. On learning the apprehensions which are entertained by yourself and your Government, I wrote without delay to the Secretaries of State for War and for India, requesting that you might receive immediate assistance. I have every reason to hope that a European regiment will be at once sent to you from Ceylon, and two Sikh regiments from India, unless, happily, the occasion for their services in New Zealand shall have passed away before they can be embarked.

Important as the Despatches now under consideration are, I do not see that I should assist you by making any further remark on them at present. I trust that the prompt acquiescence of Her Majesty's Government in your wishes will convince you of our desire to support you by every proper means in the difficulties in which you are placed.

I have, &amp;c.

Sir George Grey, K.C.B.,  
&c. &c. &c.

(Signed) NEWCASTLE.

No. 2.

No. 2.

Copy of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor  
Sir GEORGE GREY, K.C.B.

(No. 79.)

SIR,

Downing Street, July 27, 1863.

WITH reference to my Despatch No. 78,\* of the 25th instant, I have now to acquaint you that Her Majesty's Government have not considered it desirable to send from India the two Sikh regiments for which you had applied.

The Governor-General of India has however been desired to despatch immediately to the Colony two of those regiments which would under other circumstances have returned home during the present season. These regiments will be brought up to a strength of

\* Vide above.



1,000 rank and file, and all the other regiments serving in New Zealand will be brought up to the same establishment.

Directions have also been given for expediting the departure of H.M.S. "Himalaya" with the 2nd battalion of the 25th Foot for Ceylon, in order that she may on her arrival there take on board the 50th Foot for conveyance to Auckland.

By these arrangements the force in New Zealand will eventually be raised to the extent contemplated.

Sir George Grey, K.C.B.  
&c. &c. &c.

I have, &c.  
(Signed) NEWCASTLE.

No. 3.

No. 3.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor  
Sir GEORGE GREY, K.C.B.

(No. 85.)

SIR,

Downing Street, August 22, 1863.

I HAVE the honour to acknowledge the receipt of your Despatch No. 53,\* of the 16th of May, enclosing a memorial to the Queen from the inhabitants of Taranaki, to which reference was made in your previous Despatch No. 40, together with a memorandum on the subject from your responsible advisers. \* Page 23.

I request that you will inform the memorialists that their petition was laid before the Queen, and that Her Majesty was pleased to receive it very graciously.

Without entering into any discussion of the particular allegations contained in the memorial as to the cause and course of the recent hostilities with a portion of the natives of New Zealand, I have to direct you to assure the memorialists of Her Majesty's regret for the losses and sufferings which they have sustained. At the same time you will remind them that such sufferings are incidental to the situation of persons who have settled themselves in the midst of a warlike and uncivilized race, and further that a large force of Her Majesty's troops, maintained at imperial cost, and commanded by an able General, has been furnished for their protection. Beyond this the Queen can only refer them to their Local Government and to the Parliament in which they are represented, whose wisdom, under the guidance of an eminent Governor, Her Majesty trusts may provide for their relief and security in every way consistent with justice towards Her subjects of the native race.

Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) NEWCASTLE.

No. 4.

No. 4.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor  
Sir GEORGE GREY, K.C.B.

(No. 86.)

SIR,

Downing Street, August 23, 1863.

I HAVE the honour to acknowledge the receipt of your Despatch No. 60,† of the 8th of June, reporting the total defeat of a body of natives on the banks of the Katikara River in an encounter with Her Majesty's troops. † Page 27.

I beg to express the great satisfaction with which I have learnt this successful result of the able measures adopted by Lieutenant-General Cameron, and of the gallant conduct of the troops.

Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) NEWCASTLE.



NEW  
ZEALAND.  
No. 5.

No. 5.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor  
Sir GEORGE GREY, K.C.B.

(No. 88.)

SIR,

Downing Street, August 25, 1863.

\* Page 26.

I HAVE the honour to acknowledge your Despatch, No. 56,\* of the 27th May, enclosing a proclamation by which you announce the abandonment of the purchase of the land at the Waitara, which was offered for sale to the Government in 1859, and conditionally accepted by your predecessor.

† Page 1.

I thought it my duty to convey to you at once, by the last mail, my approval of the course which you had then resolved to take,—and I now proceed to address you more fully upon the subject, with reference especially to your Despatch, No. 39,† of the 24th April, and the communications between yourself and your Ministers which it enclosed.

The facts upon which you mainly ground the important decision at which you have arrived, and which, strange to say, have only now been discovered by your personal inquiries, and by Teira's admissions to the Native Minister (Mr. Dillon Bell), appear to be these:—

1. That W. King's residence on the disputed land upon the south bank of the Waitara was not merely, as had been always represented by the sellers, by permission of Teira's father, but in virtue of an arrangement made by all that section of the Ngatiawa tribe for the sake of defence against the Waikatos.

2. That a large number of natives, between 200 and 300, were living upon the block at the time when it was offered for sale, whose dwellings and cultivations were destroyed when possession was taken by the military.

3. That Teira, as he now asserts, never intended to sell the paha, one of which was in his own occupation, and did intend to except from sale a reserve of 200 acres, although no such reserve was named in the deed of sale, as ought to have been done.

I proceed to explain to you the effect which these statements have produced upon my mind, both with respect to the transactions of 1859-60, and the measure which you have now adopted.

If it be true that a number of families were residing upon and cultivating portions of the land offered for sale (variously estimated from 10 to 120 acres out of the 980 acres which formed the "block"), I have no doubt but that Governor Gore Browne and his ministers, upon discovering the fact, would have carefully reserved and respected such portions, in accordance with the invariable practice of the New Zealand Government, or even have refused to have any further dealings with parties who, like Teira and the other sellers, had been guilty of concealing from the Governor so important a circumstance. If, again, they had been aware that W. King had established his residence on the south bank of the Waitara, in virtue of a general tribal arrangement, for purposes of defence, this fact might have formed an important element in their decision, as to whether the purchase could properly and safely be proceeded with. On the whole, I agree with you that your predecessor, if he had been in possession of these facts, would not have committed himself to the purchase, and I am clearly of opinion that he would not have been justified in doing so. The information, indeed, which you now supply converts into a certainty the doubts which I expressed in my Despatch of November 27,‡ 1860, and upon other occasions, as to the prudence of the policy pursued by Governor Browne and his ministers, with an evident want of sufficient knowledge of the case as well as of foresight of the consequences, though with fair and upright intentions, while it lessens the serious difficulty of abandoning a publicly declared determination in the face of armed opposition. I have said so much as to the propriety and prudence of the Waitara purchase. But I must add, on the other hand, that my view of the justice of exerting military force against W. King and his allies remains unchanged. That chief's conduct, from first to last, still seems to me to have been inconsistent with any degree of submission to the Queen's sovereignty over New Zealand. In February 1859, before the Waitara question arose, he had given notice to the Governor that he would allow no land to be sold within a district extending 40 miles north of the European boundary at Taranaki,—an interdict of a rebellious character, to which the reasons now or formerly alleged against the Waitara sale can, of course, have no application. In the same way, at the public meeting where Teira offered the land, and during the many months which elapsed before the survey, he gave no reasons for his opposition, he afforded no explanations of it, either such as were provided for him by others at the time, or such as might have been drawn from the statements which you have now conveyed to me. In short, he never

‡ Vide Papers presented March 1861 (New Zealand Disturbances), page 268).



assumed any attitude towards the Governor but one of defiance, and, to use the language of Chief Justice Arney in the Legislative Council, never made "any intelligible claim of right to the land, or any other declaration than a declaration of war."

No one can doubt that, had he entered into any peaceable and loyal explanations, they would have been attended to, or that if the Government survey had been allowed to proceed, the paha and cultivations would not have been interfered with, nor anything done by Government officers inconsistent with the notice given by Governor Browne some months before, that "if any man could prove his claim to any piece of land within the boundary described, such claim would be respected." I dissent, therefore, from the view of the matter conveyed by the language which, in your Despatch of the 24th April,\* you place in the mouths of the natives, viz., "that the people of the Waitara, without having been guilty of any crime, were driven at the point of the sword from villages, houses, and homes which they had occupied for years," the truth being that W. King and his followers brought these consequences upon themselves by their own conduct; and that the latter, far from being evicted (as it were) for the purpose of taking possession of the purchased land, themselves, in the consciousness of hostility, abandoned their paha, which were only destroyed after hostile acts had been committed by W. King's party, and military operations had actually commenced. Again, with respect to the assertion which you attribute to the natives, that they fought in the late war simply "for their hearths and homes," and not at all for the maintenance of "tribal right," or the "mana" of the Maori King, or to prohibit the sale of land to the Crown, even by owners desirous to sell, I can only say that the great body of evidence before me, including that of the ardent and able defenders of W. King, to whom the allegations now made seem to have been unknown, makes it impossible for me to accept them as worthy of credit. I hold, therefore, that no injustice—and it is with the question of justice only that I am now dealing—was either intended or done to W. King and his followers by the employment of military force to carry into effect the survey of the Waitara land, for the purpose of ascertaining how much or how little of it was owned by Te Teira and the others who joined with him in the sale to the Crown. I also believe that in the then state of mind of a portion of the New Zealand natives, especially those of Taranaki, collision between them and the Government was not to be avoided without great difficulty, rare forbearance, and even tolerance of conduct which, under ordinary circumstances, would be incompatible with the dignity of the Crown.

These convictions, however, do not prevent me from deeply regretting the evils of the late war; and especially so, if any of the natives are under the impression that it arose out of an act of injustice committed against them by the Government. I heartily share your anxiety to remove, so far as lies in our power, any such belief for the future; and it was with that hope that I at once signified to you my approval of the course you have taken in relinquishing the completion of the Waitara purchase without further investigation, even though that course goes beyond what I believe strict justice to require, and is exposed to the dangers pointed out by your responsible advisers.

Those dangers are of course increased by the unfortunate chance by which the massacre of Lieutenant Traget and his men took place before the announcement of the decision which you had already formed. I am far, however, from blaming you for the delay caused by the discussions between your Ministers and yourself upon so difficult a question, although it would have been better if the re-occupation of the Tataraimaka block and the abandonment of the Waitara had been effected at one and the same time; and I entirely concur in your opinion that the subsequent outrage committed by the natives to the South, unconnected apparently with W. King and the Ngatiawas, is not a sufficient reason for not doing what you had decided ought to be done at the Waitara.

In conclusion, I have only to express my earnest hope that the decisive success gained by General Cameron and the troops, together with a firm attitude on your part, supported by your Ministers, will make it impossible for the natives to mistake the nature of a policy dictated by the desire to root out a belief in wrong done, and a suspicion of wrong intended against them, which might form an obstacle in the way of their reconciliation with their European fellow subjects, and with their Sovereign.

I have, &c.

Governor Sir George Grey, K.C.B.,  
&c.                      &c.                      &c.

(Signed) NEWCASTLE.

\* Page 1.

NEW  
ZEALAND.  
No. 6.

No. 6.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor Sir GEORGE GREY, K.C.B.

(No. 91.)

SIR,

Downing Street, September 26, 1863.

No. 68, July 3,  
page 32.  
No. 76, July 7,  
page 34.

I HAVE the honour to acknowledge the receipt of your Despatches, the numbers and dates of which are stated in the margin, relating to the state of affairs in New Zealand.

I observe with satisfaction that the menacing accounts which are received respecting the intentions of the Waikato natives do not diminish your confidence in your ability to bring the impending contest to a satisfactory issue.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) NEWCASTLE.

No. 7.

No. 7.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor Sir GEORGE GREY, K.C.B.

(No. 93.)

SIR,

Downing Street, September 26, 1863.

\* Page 32.

I HAVE the honour to acknowledge the receipt of your Despatch No. 72,\* of the 4th of July, transmitting, for my information, accounts from various trustworthy sources of the intentions of the natives of the Waikato, and reporting the detention of the 65th regiment by your orders, after consultation with Lieut.-General Cameron. In thus detaining this regiment in the very critical state of affairs, I have to inform you that I consider you were perfectly justified.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) NEWCASTLE.

P.S.—I have to add that the Secretary of State for War has decided upon reinforcing the troops in New Zealand by another battery of artillery, supplied with the latest Armstrong equipment, and a portion of the military train.

No. 8.

No. 8.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor Sir GEORGE GREY, K.C.B.

(No. 94.)

SIR,

Downing Street, September 26, 1863.

\* Page 33.

I HAVE the honour to acknowledge the receipt of your Despatch No. 75,\* of the 7th of July, enclosing a Memorandum by your responsible Ministers, in which they disclaim the views I attributed to them in my Despatch No. 30 of the 22nd of March, on the subject of the legality of making roads through native lands. I am extremely glad to learn that your Ministry did not entertain the views, which their correspondence with the Attorney General, unaccompanied by any explanation, appeared to indicate.

Governor Sir George Grey, K.C.B.  
&c. &c. &c.

I have, &c.  
(Signed) NEWCASTLE.

No. 9.

No. 9.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor Sir GEORGE GREY, K.C.B.

(No. 100.)

SIR,

Downing Street, October 24, 1863.

No. 79, July 13,  
page 36.  
No. 82, July 28,  
page 37.  
No. 83, July 28,  
page 38.  
No. 84, Aug. 1,  
page 38.

I HAVE the honour to acknowledge the receipt of your Despatches of the numbers and dates noted in the margin, relating to native affairs, and informing me of the progress



of events in New Zealand since the date of the communications which you addressed to me by the preceding mail.

I am deeply concerned to learn that the Colony is at length unequivocally involved in the war which you have struggled with so much earnestness and ability to avert. So far as I am able to judge from your present Despatches, I have every reason to be satisfied with your forbearance, as long as forbearance was possible, and with the judgment and vigour with which you acted when it became a first necessity to provide for the safety of the European settlers. It is very gratifying to me to learn that, at least in the neighbourhood of Auckland, the settlers are exerting themselves with energy in their own defence, and I have observed with great pleasure, though it need hardly be added, with no surprise, the gallantry and intelligence displayed by the officers and troops under the command of General Cameron, and the just confidence which that officer appears to have earned, as well from those who look to him for the protection of their lives and properties as from the troops under his command.

I have also noticed with great satisfaction the zeal and ability which has been exhibited by Captain Sullivan and those concerned with him in equipping the "Avon" and bringing her up the Waikato River, a service evidently of the greatest importance; and I have lastly to remark, that, while I am shocked and disappointed at finding that a man who has hitherto been considered one of the most enlightened of the Waikato tribe has announced his intention to recur to a system of indiscriminate slaughter, I feel in some degree reassured at learning that there are not wanting among the native race those who loudly condemn the murders by which the war has been inaugurated and call upon the Government to punish the murderers.

You will already have learnt that considerable military reinforcements are on the way to New Zealand, and I trust that on their arrival they may at once enable you to bring the war to a speedy termination and control the almost irresistible tendency of such a conflict to assume a reckless and inhuman character.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) NEWCASTLE.

No. 10.

No. 10.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor  
Sir GEORGE GREY, K.C.B.

(No. 106.)

SIR, Downing Street, November 20, 1863.

I HAVE the honour to acknowledge the receipt of your Despatch No. 100,\* of the 22nd of August, transmitting, for my information, an account of a meeting held by the Superintendent of the Province of Wellington with the natives of Waikanae and Otaki on the 30th of July last. \* Page 48.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) NEWCASTLE.

No. 11.

No. 11.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor  
Sir GEORGE GREY, K.C.B.

(No. 109.)

SIR, Downing Street, November 22, 1863.

I HAVE the honour to acknowledge the receipt of your Despatch No. 105,\* of the 22nd of August, transmitting the evidence taken at the coroner's inquest held on the body of Mr. Calvert, who was shot by a party of natives, and also acquainting me with the murder of a settler named Cooper. \* Page 51.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) NEWCASTLE.

NEW  
ZEALAND.

No. 12.

No. 12.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor  
Sir GEORGE GREY, K.C.B.

(No. 110.)

SIR,

Downing Street, November 24, 1863.

\* Page 52.

I HAVE the honour to acknowledge the receipt of your Despatch No. 107,\* of the  
27th of August, enclosing a report from Mr. Law, the Civil Commissioner at Taupo,  
respecting the present state of feeling amongst the natives of the central part of the  
northern island of New Zealand.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) NEWCASTLE.

No. 13.

No. 13.

EXTRACT of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor  
Sir GEORGE GREY, K.C.B., dated Downing Street, November 24, 1863, No. 111.

\* Page 60.

I HAVE the honour to acknowledge the receipt of your Despatch No. 112,\* of the  
31st of August, enclosing a copy of a letter from the Waikato chiefs to the natives near  
Wellington, calling upon them to rise against the Europeans.

No. 14.

No. 14.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor  
Sir GEORGE GREY, K.C.B.

(No. 113.)

SIR,

Downing Street, November 26, 1863.

\* Page 54.

I HAVE the honour to acknowledge the receipt of your Despatch No. 109,\* of the  
29th of August, transmitting a Memorandum from your responsible advisers, containing  
the details of a plan which they have formed for the introduction into the northern  
island of a large body of settlers, to whom it is proposed to assign land on a species of  
military tenure, in the Waikato, and hereafter probably, in the Taranaki districts.

You also enclose a copy of your reply, authorizing the immediate raising of 2,000 men  
for active service, pending the meeting of the General Assembly, together with copies  
of the conditions under which they are to be enrolled.

I do not disapprove of the principle of this measure ; I think that any body of natives  
which takes up arms against Her Majesty, on such grounds as those which are alleged by  
the Waikatos, may properly be punished by a confiscation of a large part of their common  
property. I think that the lands thus acquired may properly be employed in meeting  
the expenses of carrying on the war ; nor do I see any objection to using them as the  
sites for military settlements, which, however, must soon lose their distinctive character,  
since it is probable that the natives of these districts, unlike those in the Cape Colony  
and Kaffraria, will soon become an unimportant minority of the inhabitants.

But, while I acquiesce generally in the principles which you have adopted, I must  
add that the application of those principles is a matter of great danger and delicacy, for  
which the Colonial Government must remain responsible. It will be, evidently, very  
difficult to control within wise and just limits that eagerness for the acquisition of land  
which the announcement of an extended confiscation is likely to stimulate among old  
and new settlers, and which, if uncontrolled, may lead to great injustice and oppression.  
Still more evidently is it possible that the natives who still remain friendly to the  
Government may view this measure, not as a punishment for rebellion and murder, but  
as a new and flagrant proof of the determination of the colonists to possess themselves  
of land at all risks to themselves, and at any cost, and as thus furnishing the true  
explanation of the past and present policy of the Government. Such a belief would  
obviously tend to make the Maories desperate, and aid the efforts of the King party to



effect a general rising throughout the northern island. Your Ministry do not notice this danger in their memorandum, but they cannot have been blind to it, and I do not doubt (though you do not so inform me) that they feel their power to control the application of the principle which they have introduced, and have taken sufficient means to persuade the Maories in general that the property of innocent persons and tribes will be strictly respected, and that a different measure of severity will be administered to those who have taken a lead in the war, and those who, though in some degree accessories to what has passed, have, as far as circumstances would allow, favoured the cause of order.

Whether due caution has been used in these respects in a question of which the Home Government can only judge by the result; and I must not disguise from you that if this important determination of your Government should have the effect of extending and intensifying the spirit of disaffection, and of thus enlarging the sphere or prolonging the period of military operations, these consequences will be viewed by Her Majesty's Government with the gravest concern and reprehension.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) NEWCASTLE.

## No. 15.

## No. 15.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor Sir GEORGE GREY, K.C.B.

(No. 119.)

SIR,

Downing Street, December 26, 1863.

I HAVE to acknowledge the receipt of your Despatches of the numbers and dates noted in the margin, forwarding copies of Despatches addressed to you by Lieut.-General Cameron, reporting several encounters that had taken place between the forces under his command and the natives.

I have much pleasure in conveying to you an expression of my satisfaction at the uniform good conduct of Her Majesty's troops in this harassing description of warfare, and also at the steadiness and efficiency shown by the militia and volunteers under Major Lyon. And I cannot omit to notice especially the cool intelligence and energy displayed by Colour-serjeant MacKenna, upon whom the command of a detachment devolved after Captain Swift had been killed, and Lieutenant Butler severely wounded.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) NEWCASTLE.

No. 120,  
Oct. 3, 1863,  
page 61.  
No. 121, ditto,  
page 62.  
No. 122, ditto,  
page 63.  
No. 123, ditto,  
page 64.  
No. 125, ditto,  
page 71.  
No. 126, ditto,  
page 74.

## No. 16.

## No. 16.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor Sir GEORGE GREY, K.C.B.

(No. 120.)

SIR,

Downing Street, December 26, 1863.

I HAVE to acknowledge the receipt of your Despatches of the numbers and dates noted in the margin.

It is with deep concern that I have read the accounts of the several murders committed by natives on unoffending settlers, especially as showing the mode in which it appears too probable that the war will be carried on by the natives.

I am fully aware how great a loss the Government will have sustained in Mr. Armitage, who was qualified by his intelligence, determination, and his relations to the natives to render such valuable services to New Zealand at the present juncture.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) NEWCASTLE.

No. 126,  
Oct. 3, 1863,  
page 74.  
No. 124, ditto,  
page 69.  
No. 125, ditto,  
page 71.

NEW  
ZEALAND.  
No. 17.

No. 17.

COPY of a DESPATCH from his Grace the DUKE of NEWCASTLE, K.G., to Governor  
Sir GEORGE GREY, K.C.B.

(No. 9.)

SIR, Downing Street, January 25, 1864.

No. 145, Nov. 2,  
page 87.  
No. 146, Nov. 2,  
page 90.  
No. 150, Nov. 2,  
page 93.  
No. 151, Nov. 6,  
page 94.

I HAVE the honour to acknowledge the receipt of your Despatches of the numbers and dates noted in the margin, informing me of the result of several partial engagements which had taken place with the rebellious natives, and of their abandonment of the position which they had taken up at Mere Mere on the Waikato river.

I have much pleasure in expressing to you my satisfaction at the gallantry, zeal, and endurance which have been shown by Her Majesty's troops, and by the local forces on the occasions referred to in your Despatches.

I have, &amp;c.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

(Signed) NEWCASTLE.

No. 18.

No. 18.

COPY of a DESPATCH from his Grace the DUKE of NEWCASTLE, K.G., to Governor  
Sir GEORGE GREY, K.C.B.

(No. 10.)

SIR, Downing Street, January 26, 1864.

I HAVE the honour to acknowledge the receipt of your Despatch No. 153,\* of the 7th of November, transmitting a copy of a letter addressed to you by Mr. Justice Richmond, relative to the purchase of the native land at the Waitara.

I have, &amp;c.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

(Signed) NEWCASTLE.

No. 19.

No. 19.

COPY of a DESPATCH from his Grace the DUKE of NEWCASTLE, K.G., to Governor  
Sir GEORGE GREY, K.C.B.

(No. 11.)

SIR, Downing Street, January 26, 1864.

I HAVE the honour to acknowledge the receipt of your Despatch No. 156,† of the 7th of November, transmitting copy of a resolution adopted by the House of Representatives, accepting the responsibility for the management of native affairs.

I observe with great pleasure the spirit in which the House of Representatives has accepted this trust, and I hope that the simple and vigorous words with which their resolution closes may live in the recollection of the New Zealand colonists, and guide their native policy so long as the Maories continue a separate race.

I have, &amp;c.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

(Signed) NEWCASTLE.

No. 20.

No. 20.

COPY of a DESPATCH from his Grace the DUKE of NEWCASTLE, K.G., to Governor  
Sir GEORGE GREY, K.C.B.

(No. 12.)

SIR, Downing Street, January 26, 1864.

I HAVE the honour to acknowledge the receipt of your Despatches Nos. 142‡ and 155,§ of the 30th of October and 7th of November last, transmitting, for my information, copies of the evidence taken at the coroner's inquests held on view of the bodies of Margaret Fahey, and of certain settlers who had been killed by the rebel natives.

I need hardly say that I observe with deep concern the increasing frequency of these shocking barbarities. I should wish to learn from you to what extent these crimes are referable to the savage lawlessness of individual persons or families, and how far they represent the feeling in which the natives generally are determined to carry on the war.

I have, &amp;c.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

(Signed) NEWCASTLE.

‡ Page 87.  
§ Page 96.



## No. 21.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G.,  
to Governor Sir GEORGE GREY, K.C.B.

(No. 27.)

SIR,

Downing Street, February 26, 1864.

I HAVE to acknowledge the receipt of your Despatch, No. 139 \* of the 26th of October last, in which you enclose a Memorandum commenting on some points in my Despatch No. 88 † of the 25th of August with respect to the purchase by your predecessor of the block of land at the Waitara. \* Page 84. † Page 100.

As I have already conveyed to you my sanction and approval, under the circumstances, of the course which you had adopted in abandoning that purchase, the question which I considered in that Despatch, as to the justice of carrying it into effect by military force against the opposition of William King, has become one less of a practical than an historical character.

But I think it right, nevertheless, in justice to Governor Gore Browne and to myself, to make some observations upon the objections which you have urged to the view of the matter contained in my Despatch of the 25th of August.

1. As to the position assumed by W. King with respect to the offer of the land for sale by Teira and the numerous other owners, you refer to some expressions of King, and to certain language used in the course of the year 1860 by some of the natives, which I perceive is principally drawn from the Otaki native petition for the recall of the Governor, and from a letter written by the Rev. Riwai Te Ahu at Otaki, and given in evidence by Mr. Archdeacon Hadfield before the House of Representatives.

I have been fully aware from the first of these passages in the voluminous documents received from New Zealand, but I have throughout found it impossible to regard W. King's language and conduct as otherwise than obviously lawless and hostile; while the native opinions which you cite, evidently the fruit of suspicion and irritation, much to be deplored, were based upon very imperfect knowledge of the facts, and could easily be matched by other native opinions (printed in the same Parliamentary Paper) given in favour of the Governor and against the pretensions of W. King. In short, I see no reason to doubt the substantial truth and accuracy of the accounts given by Mr. McLean and Mr. Parris, the officers by whom the purchase was conducted, or to question their assertion that "no definite claim was ever preferred (by W. King and his party) and that "the only position they have ever taken is the arbitrary one of assuming the right to "oppose the sale of land even by the rightful owners."—(Parliamentary Papers, March 1861, pp. 322, 323, 339, &c.)

2. As to the pas and cultivations existing upon the block, I find it stated by Mr. Parris (p. 322) that W. King and his people "on returning from the south in 1848 "asked permission of Teira and his father to be allowed to build their pa on the south "side (of the Waitara), which question had been submitted to a committee who had "decided that the south side was preferable to the north in case of an invasion from "Waikatō:"—a statement differing but slightly from that made by Teira to Mr. Dillon Bell, the native minister, as reported in your Despatch, No. 39, † of the 24th April 1863. † Page 1. I find it also asserted by Mr. Parris and Mr. Richmond (pp. 323, 362), that the cultivations upon the block were exclusively those of the sellers. The occupation, therefore, it appears of W. King and his followers (whose number seems uncertain) was confined to two pas standing close together on the south bank of the river, while beside them stood a third pa, occupied by Teira and his party, who seem to me to have been the admitted owners and were the sellers of the land. These three pas were abandoned and destroyed after hostilities had commenced; but the troops were certainly not called out for the purpose of ejecting their occupants by force. Nor is there the smallest reason to believe, in the words of Mr. Domett, that had the survey and purchase been carried into effect "the practice universally followed in all purchases of land in New Zealand, viz., "that of reserving the pas of resident natives, with their cultivations and burial places, "could not have been adhered to in this particular instance."

3. With respect to the object of the survey which was forcibly interrupted by a party of W. King's people, and which the troops were called out to protect, it is true that the Governor's manifesto at the time does not contain the words used by me in the Despatch of the 25th of August, and by Governor Gore Browne in describing the transaction in his Despatch, No. 126, § of the 4th December 1860. But three months before the survey the following announcement was made publicly, in the presence of W. King and his

NEW  
ZEALAND.

party, by the Land-purchase Commissioner, when paying an instalment of the purchase money, "if any other person can prove that he owns any part of the land within the boundaries above described, his claim will be respected, and he will be allowed to retain or sell the same, as he may think proper."

Lastly, as to the notice given by W. King on behalf of the "Runanga of the new year" 1859, to the Governor, that no land sales would be allowed between the European boundary near New Plymouth and a place called Mokau 40 miles to the northward, I confess I cannot after re-examination look upon it as anything but an "interdict of a rebellious character." The letter, whether in former translations or in the slightly different one enclosed in your Despatch, seems to speak for itself, and it is asserted over and over again by those best acquainted with Taranaki, especially by Mr. McLean, in his evidence before the committee, that W. King did not merely represent sections and families of the Ngatiawa, who had agreed not to sell their own land, a perfectly legitimate transaction, but that he set up a claim to forbid, under pain of death, the purchase of land by the Governor from parties who disowned his authority, and who were entitled to sell if they pleased.

This was the conclusion, derived from all the information before me, which I communicated to the Governor in my Despatch of the 27th of November 1860,\* and upon other occasions, and I see no reason to depart from it.

Whether it was wise to attempt to resist such pretensions with the small force then present in New Zealand, and at the risk of producing, rightly or wrongly, much irritation and hostility among the native race is of course a different question.

I will not close these observations without saying that I am glad to perceive the apparent good effect produced by your act of moral courage in relinquishing the Waitara purchase upon the natives who have not joined in the war.

There is a danger of such an act being taken as an admission of wrong done in the past, but after the brilliant successes gained by the Queen's troops, and the colonial forces, it cannot be attributed to weakness: and if it shall increase for the future the confidence of the natives in the justice of the Government you will have had your reward.

I have, &c.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

(Signed) NEWCASTLE.



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\* Vide Papers  
presented  
March 1861,  
page 268.



# NEW ZEALAND LOAN.

RETURN to an Address of the Honourable The House of Commons,  
dated 7 July 1859;—*for*,

“COPY of a LETTER (dated Wellington, New Zealand, the 29th day of December 1858), addressed to Her Majesty’s Principal Secretary of State for the Colonies by the Speaker (Sir *Charles Clifford*), and Four other Members of the House of Representatives (Mr. *T. E. Featherstone*, Mr. *William Fitzherbert*, Mr. *William Fox*, and Mr. *C. D. R. Ward*), calling the attention of the Secretary of State to certain Evidence given before a Committee of the House of Commons in favour of a Guarantee by the Imperial Legislature of a LOAN of £. 500,000 to the Colony of *New Zealand*:”

“And, COPY or EXTRACT of any LETTER which may have been received at the Colonial Office from Mr. *Sewell*, in reference to the same.”

Colonial Office. }  
22 July 1859. }

C. FORTESCUE.

COPY of a DESPATCH from Governor *T. Gore Browne*, to the Right Hon. Sir E. *Bulwer Lytton*, Bart., M.P.

Governor Browne  
to the Right Hon.  
Sir E. Bulwer  
Lytton, Bart., M.P.  
18 February 1859.

(No. 20.)

Government House, Auckland, New Zealand,  
18 February 1859.

(Received, 21 May 1859.)

Sir,

I HAVE the honour to forward the duplicate of a letter addressed to you by certain Members of the House of Representatives, relative to the evidence given by Mr. *Sewell* before a Committee of the House of Commons. The original appears, from a note at the end of the one I now enclose, to have been transmitted to you by Mr. *Clifford* prior to December 1858, although the date of the letter in which the duplicate was sent to me is January 1859.

I have therefore thought it right to detain the correspondence in order to give Mr. *Sewell*, who is expected almost immediately from Sydney, an opportunity to make any remarks on it he may think proper. Being obliged to leave this Province on a visit to the South, I shall not be able to see Mr. *Sewell* or make myself acquainted with his reply. I have therefore directed the documents to be shown to him, and his statement will be forwarded as an enclosure to this Despatch.

Not being present at the discussions, I can have no personal knowledge of the subject; I may however remark, that a sum of 1,000*l.* was granted and a vote of thanks passed (*nemine contradicente*) by the House of Representatives during the last Session to Mr. *Sewell* for “the energy and ability with which he conducted the important negotiations in England entrusted to him on behalf of the Colony.”

I have, &c.

(signed) *Thomas Gore Browne.*

Mr. *Sewell*, who has just arrived in the Colony, being unable to prepare a reply to the letter referred to in the foregoing Despatch by this mail, will forward his remarks direct to the Secretary of State by the next opportunity.

(signed) *F. G. Steward*,  
Private Secretary.

Enclosure.

## Enclosure.

Enclosure.

Sir,

Wellington, New Zealand, 29 December 1858.

WE have the honour to call your attention to a circumstance connected with the New Zealand Loan of 500,000*l.*, for which a Parliamentary guarantee was given in the course of last year.

The circumstance to which we allude, is the manner in which the Committee of the House of Commons was induced to recommend the guarantee for 500,000*l.*, by the statement of Mr. Henry Sewell, a Member of the Colonial Government, that the Colonial Legislature would not accept of a guarantee for a smaller sum (200,000*l.*), and that the question had been distinctly raised and distinctly negatived in the House of Representatives. The positive assurance to this effect given by Mr. Sewell appears to have induced the Committee to recommend the guarantee of the larger sum.

In the Session of 1858, the subject was brought before the House of Commons by Sir John Trelawny, M.P., who charged Mr. Sewell with having misled the Committee. The Honourable Member stated, that he had read the reported proceedings of the House of Representatives, and that it appeared from them that that House had passed a resolution to an effect precisely the reverse of what Mr. Sewell had stated; that it had, in fact, expressed the readiness of the Colony to accept the guarantee for 200,000*l.* if it could not be obtained for 500,000*l.* Lord Stanley, the Colonial Secretary, was unable to explain the matter, which appeared to him at first sight in the same light as it did to Sir John Trelawny. The debate was adjourned and renewed on a subsequent day, when certain explanations were offered, which led Sir John Trelawny to express his willingness to believe that Mr. Sewell had not wilfully deceived the Committee, and then the matter dropped; but not, as it appears, without having excited considerable attention.

We should be glad to believe with Sir John Trelawny that Mr. Sewell had not wilfully deceived the Committee of the House of Commons; but we feel bound to inform you that in our opinion that Committee was misled; and as Members of the House of Representatives we are desirous of clearing ourselves from the imputation of sanctioning in any way the obtaining of a Parliamentary guarantee to a loan (however beneficial to the Colony) by means of which we cannot but entirely disapprove. And we feel the more bound to take this step, because Mr. Sewell has addressed to his Excellency the Governor of this Colony a letter in which he very indignantly repels the charge of having misled the Committee of the House of Commons, and requests the Governor "to take steps for vindicating the character of a public officer engaged in the public service," an appeal which his Excellency responded to by publishing Mr. Sewell's letter.

The undersigned Members of the House of Representatives were all present, and voted on the occasion, when that House resolved to accept a guarantee for the smaller sum, if the larger could not be obtained. The Resolution speaks for itself, and distinctly contradicts Mr. Sewell's statement; and we do not hesitate to say that every one of the explanations or excuses offered in his behalf, in the course of the debate in the House of Commons above referred to, is utterly without foundation."

It was stated by an Honourable Member, Mr. Adderley, "that when Mr. Fitzherbert moved a Resolution, that if the larger sum could not be obtained, the smaller should be accepted, Mr. Sewell was absent from the House, and an inferior Member of the Government expressed his acquiescence in that proposal. Upon the return of Mr. Sewell, finding what had been done, without his instructions, he moved the addition of a rider which entirely stultified the original Resolution."

This apology, on which substantially the case turns, is entirely inconsistent with the real facts.

The only Members of the Government who took part in the debate on Mr. Fitzherbert's Resolution were Mr. Stafford the Premier, and Mr. Richmond the Colonial Secretary, neither of them an "inferior" Member, but both of superior rank in the Ministry to Mr. Sewell. But waiving that point, nothing of the kind stated by Mr. Adderley took place; there was no acceptance of Mr. Fitzherbert's Resolution during Mr. Sewell's absence; no "subsequent addition of a rider;" but the Resolution was carried on a division in which Mr. Sewell voted after a full debate in which Mr. Sewell took a prominent part, with the addition only of an amendment, which in no way stultified it, nor, it is believed, was understood to do so by any single Member of the House, certainly not by Mr. Fitzherbert, who conceived that he had carried his point, and certainly not by his supporters, the names of some of whom appear below.

We append hereto a reprint of the debate as given at the time in the Government organ, the "New Zealander," which appears to us perfectly correct, and which it will be seen fully bears out the above statements.

We venture also to request your approval of an article extracted from the "Southern Cross," which we also append; and which is of importance, as being avowedly written by Mr. Carlton, the Chairman of Committees of the House of Representatives, and a supporter of the Government of which Mr. Sewell is a member. "We who now write," says he, "were there, and the question was put by ourselves." This testimony, proceeding from a quarter necessarily so well informed, cannot but have its due weight. We also append an article from the "Independent" newspaper, avowedly written by a Member of the House of Representatives.

The misrepresentations of Mr. Sewell before the Committee, to the effect that he was Prime Minister of New Zealand, when in reality he was only a subordinate Member of the Government, and the misstatements which his friends were induced to make in Parliament as to the events which occurred in the House of Representatives, might be palliated on the

grounds

Sub-Enclosure 1.

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grounds of vanity and a defective memory. But the substantial allegation made by Sir John Trevelyan remains unrefuted, is strictly correct, and admits of no such palliation. The statement made by Mr. Sewell, that the question of the acceptance of the smaller sum had been distinctly raised and negatived, is the exact reverse of fact. That question was disposed of precisely the other way. The House distinctly affirmed its readiness to accept the guarantee for 200,000*l.*, if 500,000*l.* could not be obtained. Mr. Sewell's amendment, so far from "stultifying" Mr. Fitzherbert's Resolution to that effect, is based on the supposition that the guarantee for the smaller sum only had been obtained, and that the attempt to obtain a guarantee for the larger sum had failed. The amendment provides for the state of affairs arising out of this contingency; supposes it to have happened; supposes 200,000*l.*, and not 500,000*l.* to have been accepted; and cannot therefore be a "stultification" of the resolution to accept the smaller sum.

The apparent discrepancy between the fact of Mr. Fitzherbert's voting against his own resolution, as amended, and the assertion that the amendment was not considered as "stultifying" the resolution, has been adroitly made use of by Mr. Sewell to enable him to give a false colouring to the transaction. Mr. Fitzherbert and those who voted with him against the amendment did so, not because it in any way "stultified" the original resolution, but because it pledged the House to a particular course of inter-provisional adjustment of the burden of 200,000*l.*, instead of leaving that adjustment an open question for future deliberation. But as to the main question, the acceptance of 200,000*l.*, that was in no way affected by the amendment.

It is evident, from a perusal of the Minutes of Evidence before the Committee of the House of Commons, that there was an inclination in the minds of some of the Committee to guarantee only the smaller sum; and when Mr. Sewell was asked whether that guarantee would be accepted, it seems to have depended on his answer whether the Committee should recommend it, or a guarantee for the larger sum. Had he answered in the affirmative, it seems more than probable that a guarantee for the smaller sum only would have been obtained. Such a result would have been fatal to the prospects of the Government of which Mr. Sewell was a member, the whole financial policy of which depended on raising the additional 300,000*l.* The defence raised for Mr. Sewell in the House of Commons, and put forward by him in his letter to the Governor, prevents our attributing his misstatement to error or defect of memory, and compels us, however reluctantly, to adopt a conclusion less favourable to his straightforwardness and candour.

We have, &c.

(signed) *Charles Clifford*, Speaker.

*T. E. Featherstone*, M. G. A.

*William Fitzherbert*, M. G. A.

*William Fox*, M. G. A.

*Charles Dudley Robert Ward*,

The Right Honourable  
Sir E. Bulwer Lytton, Bart.,  
&c. &c. &c.

Late M. G. A. for the Wellington County District.

#### Sub-Enclosure 1.

REPORT of the Debate in the House of Representatives, extracted from the Government Organ of the date in the "New Zealander" Newspaper.

House of Representatives, Wednesday, 2 July 1856. (From the "New Zealander" of 5 July 1856.) Financial Resolutions (in Committee).

THE Colonial Treasurer proposed an amendment on the 16th Resolution, removing the condition of essentiality, and replacing it by an appeal to be made to the Home Government for the proposed loan of 500,000*l.*

Agreed to.

The Colonial Treasurer (Mr. Sewell) moved the 17th Resolution.

Messrs. Brown and Fitzherbert opposed the motion, the latter Hon. Member considering it visionary, useless, and so much waste paper. He moved, in amendment, that in the event of the 500,000*l.* not being obtained, the Imperial offer of 200,000*l.* for the extinction of the New Zealand Company's debt be raised on the terms proposed.

The Colonial Secretary and Mr. Travers briefly supported the original motion.

Mr. Fitzgerald did not wholly approve of the financial scheme of the Government, but at this late period of the Session, he would not throw any difficulty in the way of Government. The scheme he believed was an honest one, but he thought that the basis was not altogether sound, and that a better one might have been substituted. But since the House had adopted the scheme, and the Resolutions formed part of that scheme, he would not oppose it to harrass the Government at this late stage of proceedings. In regard to the motion standing in his name on the notice paper, and altered to that of Mr. Hall, it might be annexed to either the 17th or 18th Resolution, without affecting any part of the scheme.

Mr. Stafford acknowledged the courtesy with which the Hon. Member (Mr. Fitzgerald) had treated the question, and the position of the Ministry, and would, in return, have no objection to any possible modification that would not essentially affect the scheme.

After some further discussion, Mr. Fitzherbert withdrew the amendment, on the understanding that the Government would not oppose its being brought forward as a separate Resolution—its attachment to the Resolutions to be transmitted home not being insisted upon.

The Resolution was then put and carried.

The 18th Resolution was withdrawn by the Government, except the last line, which thus became the 18th Resolution, as follows:—"That application be made to Parliament forthwith for effecting the before-mentioned objects."

The House then resumed, and the Chairman reported the 18 Resolutions as having passed through Committee.

The Speaker then put the question of their adoption by the House to a division, which was carried by a majority of nine.

| For Resolutions. |                    | Against.  |                  |
|------------------|--------------------|-----------|------------------|
| Ayes, 19.        |                    | Noes, 10. |                  |
| Messrs.          | Sewell,            | Messrs.   | Cargill, senior, |
|                  | Campbell,          |           | Cargill, junior, |
|                  | Williamson,        |           | Fitzherbert,     |
|                  | Domett,            |           | Fox,             |
|                  | East,              |           | Daldy,           |
|                  | Hall,              |           | Macandrew,       |
|                  | Merriman,          |           | Henderson,       |
|                  | Taylor,            |           | Featherston,     |
|                  | Wells,             |           | Smith,           |
|                  | Carleton,          |           | Ward (teller).   |
|                  | Ludlam,            |           |                  |
|                  | Greenwood,         |           |                  |
|                  | Travers,           |           |                  |
|                  | Stafford,          |           |                  |
|                  | Brittin,           |           |                  |
|                  | Cuff,              |           |                  |
|                  | Curtis,            |           |                  |
|                  | Lee,               |           |                  |
|                  | Richmond (teller). |           |                  |

Mr. Brodie declined voting.

Mr. Fitzherbert then produced his amendment in the form of a substantive resolution, which was considered in Committee. During the introduction of the subject the Honourable Member predicted in nautical terms that the frail ship (the scheme) could not weather the storm, but must ultimately founder, and congratulated himself on not being one of the underwriters. He concluded by moving—"That in the event of the financial scheme of the Government failing from inability to obtain the necessary loan of 500,000 £., the loan of 200,000 £. offered by the Home Government for liquidation of the New Zealand Company's debt shall be raised on the terms proposed, and the mode of payment shall stand over for adjustment amongst the several Provinces at a future period."

The Colonial Treasurer, Mr. Sewell, after some remarks, moved as an amendment, that all the words after "over," in the fourth line, be omitted, and the following inserted,—“as part of a general adjustment of the public burthens, it being an essential part of such adjustment that the land fund be exonerated from its special liability to the purchase of native lands, as well as from the New Zealand Company's debt.”

Mr. Williamson proposed the following as an addition to the Colonial Treasurer's amendment, which that Honourable Member adopted:—"And that, in accordance with a former Resolution of this House, the Province of Auckland shall be relieved retrospectively and prospectively from any contribution towards the liquidation of that debt."

Mr. Taylor suggested a further addition, which was also agreed to by the Colonial Treasurer:—"The purchase-money of native lands being provided for, either by a scheme of consolidated burthens or by a distinct appropriation of specific portions of such burthens to the respective Provinces, upon the principles affirmed in former Resolutions of this House."

Mr. Fitzherbert objected to these additions to his motion, but the Committee accepted them.

The amended motion was then agreed to on the following division:—

| Ayes, 17. |             | Noes, 11. |              |
|-----------|-------------|-----------|--------------|
| Messrs.   | Richmond,   | Messrs.   | Clifford,    |
|           | Taylor,     |           | Henderson,   |
|           | Brittin,    |           | J. Cargill,  |
|           | Greenwood,  |           | W. Cargill,  |
|           | Curtis,     |           | Ward,        |
|           | Wells,      |           | Featherston, |
|           | East,       |           | Brown,       |
|           | Merriman,   |           | Daldy,       |
|           | Williamson, |           | Fitzherbert, |
|           | Domett,     |           | Ludlam,      |
|           | Cuff,       |           | Fox.         |
|           | Lee,        |           |              |
|           | Campbell,   |           |              |
|           | Sewell,     |           |              |
|           | Brodie,     |           |              |
|           | Stafford,   |           |              |
|           | Hall.       |           |              |



## Sub-Enclosure 2.

ARTICLE from the "Southern Cross," avowedly written by H. Carlton, Esq., Chairman of Committees in the House of Representatives, a supporter of the Stafford Sewell Ministry.

## THE HALF MILLION GUARANTEE.

(From the "Southern Cross.")

SOME months ago, we examined the evidence given by Mr. Sewell before a Select Committee of the House of Commons, on the subject of the New Zealand Loan, and showed that he had committed a most unaccountable error of statement. When asked whether, if Parliament were willing to accede to 200,000 £., and not to the 500,000 £., the proposal to guarantee the former sum would be accepted by the Colony, he said in answer, "It would not be accepted. The question was raised in the Legislature, and was distinctly negatived."

Now, the question had been raised in the Legislature, and distinctly affirmed.

When our exposition of the case reached home, a sensation was created. The question was mooted in Parliament, where a debate took place, which is a curiosity in its way, from the numerous errors it contains, and the tone of mystification that pervades it.

Mr. Sewell, instead of admitting that he had made a mistake, after which no more would have been said about the matter, endeavours to brave it out, and does not succeed. The following is his letter to the Governor:—

(Copy.)

"Radley, Abingdon, Berks,  
13 May 1858.

"Sir,

"I BEG to draw your Excellency's attention to certain attacks made on me in reference to the evidence given by me, last Session, before the Committee of the House of Commons.

"I should not have taken public notice of these attacks, but that they have given rise to discussions in the House of Commons and to correspondence between myself and the Colonial Office.

"The charge against me is, that I wrongly represented to the Committee that the Colony would not accept from Parliament the guarantee of a loan of 200,000 £. for paying off the Company's debt, without relief at the same time from the special liability of the Land Fund to native land purchases.

"It is asserted, in opposition to my statement, that the House of Representatives pledged itself, in the event of Parliament refusing a guarantee for the full sum, to accept a guarantee for the less amount.

"The statement made by me to the Committee is precisely in accordance with the facts.

"If there were any principle of policy more clearly and distinctly than another adopted by the Legislature in the Session of 1856, it was, that relief of the Land Fund from the Company's debt and the liability to native land purchases should be simultaneous.

"Your Excellency is familiar with the reasons on which this policy was based.

"That principle was the basis of the 18 Resolutions forming what is called the Government Financial Scheme. It was affirmed in an equally distinct manner in the amendment to Mr. Fitzherbert's Resolution; it was finally laid down in an irreversible form by the terms of the Loan Act, according to which (as I stated to the Committee) Parliament had no alternative but to guarantee the whole amount or none.

"The statement that the Legislature made provision for accepting the guarantee of 200,000 £. by itself, in the event of the larger sum being refused, has no other colour of truth in it than the preliminary part of Mr. Fitzherbert's amended Resolution, the amendment of which totally negatives the proposition.

"I write this, trusting that your Excellency will be pleased (no matter what Government may be in office) to take such steps as may in your judgment appear proper for vindicating the character of a public officer engaged in the public service, at a distance which makes it impossible for him to protect himself.

"I have, &c.

(signed) "Henry Sewell."

"His Excellency the Governor of  
New Zealand."

We invite our readers to compare this explanation with the official record of what took place in the House of Representatives, when the Resolution under which it was agreed that the 200,000 £. should be accepted was passed:

Wednesday, 2 July 1856.

House in Committee of Ways and Means.

Financial.

Motion made and question proposed,—That the following Resolution be recommended to the House for adoption:

"That in the event of the financial scheme of the Government failing, from inability to obtain the necessary loan of 500,000 £. the loan of 200,000 £. offered by the Home Government for the liquidation of the New Zealand Company's debt shall be raised on the terms proposed, and the mode of payment shall stand over for adjustment amongst the several Provinces at a future period." (Mr. Fitzherbert.)

Amendment proposed, "That the words after the word 'over,' in the sixth line be omitted." (Mr. Sewell.)

Question—That the words proposed to be omitted do stand part of the question, put and negatived.

Further amendment proposed, "That the question be amended by the addition of the following words: 'as part of a general adjustment of the public burdens, it being an essential part of such adjustment that the Land Fund shall be exonerated from its special liability to the purchase of native lands, as well as from the New Zealand Company's debt; and that in accordance with a former Resolution of this House, the Province of Auckland shall be relieved retrospectively, as well as prospectively, from any contribution towards the liquidation of that debt, the purchase money of native lands being provided for, either by a scheme of consolidated burdens, or by a distinct appropriation of special parts of such burdens to the respective Provinces, upon the principles affirmed in former resolutions of this House.'" (Mr. Sewell.)

Question as amended, put and passed.

Now, in what manner does the amendment negative the original proposition? The 200,000 £. is to be first accepted (not refused) as part of a general adjustment of the public burdens, after which the adjustment is to be completed in one out of two modes proposed. We have read the amendment again and again, and are unable to perceive the negation. But why, if Mr. Sewell desired to negative the question, did he adopt the clumsy mode he speaks of to effect the purpose. Why not rather have negatived Mr. Fitzherbert's original Resolution at once, instead of mystifying it by the addition of further words. We will tell him why; because he could not. There was a strong majority in the House in favour of accepting the 200,000 £.; they intended to have it; and Mr. Sewell finding himself powerless against that majority, adopted another course. According to his own showing (not according to ours—for we believe it to be an afterthought on his part) he attempted to deceive the House—to leave the House under the impression that they had agreed to accept the 200,000 £., while in fact, by means of an adroitly worded amendment, of which they did not perceive the import, he had caused them to reject it. This becomes serious. The original misstatement before the Select Committee is as nothing in comparison. That, in all probability, was no more than a blunder; but now, for the purpose of braving it out, Mr. Sewell avouches that he played a trick. We really must defend him from himself. He played no trick; we believe that he did not intend a trick; we are unable to perceive that the amendment has the effect ascribed to it; and are certain that if the House had been of opinion that such would be the effect, the amendment would have been rejected. The unbounded astonishment with which Mr. Sewell's statement before the Select Committee was received in New Zealand is proof enough. But we, who now write, were there; and the question was put by ourselves.

Mr. Sewell says that by the terms of the Loan Act, "Parliament had no alternative but to guarantee the whole amount or none." In which clause of that Act? The Loan Act lies before us, and we are unable to find anything of the kind. The Act empowers the agent to raise any sums not exceeding 500,000 £.; the word guarantee does not occur in it at all. Nor was a guarantee necessary for the raising of the loan; it merely enabled the loan to be raised upon the most favourable terms. The money was always to have been had, because there was nothing in the Act to hinder the bonds from being negotiated at less than par, and in reality were so even under the guarantee, though the antedating by three months the time from which interest was to be payable. The whole 500,000 £. having to be raised in the market, with or without guarantee, would it have been wise to refuse to effect a saving upon the 200,000 £. for which the guarantee had been promised, because the saving could not also be effected upon the remaining 300,000 £.?

The debate in the House of Commons is amusing, and even instructive, for it shows how loose and vague are the ideas of Downing-street concerning New Zealand. Lord Stanley informs Sir J. Trevelyan (who, by the way, was right throughout, and remained unconvinced at last) that "under the New Zealand Constitution there are two Houses; and that although Resolutions were carried in the House of Representatives, they might be negatived in the other House!" He also says on a subsequent occasion, "That the Resolution was looked upon as a dead letter might be inferred from the fact that it appeared never to have been submitted to the Upper House of Legislation in the colony!!" Does Lord Stanley's own Parliamentary practice teach him no better than this?

But he goes on to quote a statement by Mr. Sewell that is amusingly contradictory to Mr. Sewell's letter. "Mr. Sewell," says Lord Stanley, "further stated, that although under the terms of the Resolution, if the 200,000 £. were guaranteed by the Imperial Government, the Colonial Legislature might proceed [exactly what we have argued] to raise the 300,000 £., yet practically that was impossible, because the Local Government, having a majority in the Legislature, would not sanction it." Really, this is carrying it with a very high hand. We should like to be informed who are or were the members composing that majority? There are scarce half a dozen members in the House who have not proved that they act upon their own independent judgment; and as there is no organised opposition, so also is there no ministerial party. The Ministry have carried nearly all their measures, because nearly all their measures were good, and for no other reason; but this we will undertake to say; that although they might possibly have stood their ground, under failure to raise the 300,000 £., yet that if the burden of the Company's debt were still upon the Colony, through their neglect or refusal to raise the 200,000 £., they could not have weathered the Session.



Mr. Labouchere, unwittingly, makes good the case against Mr. Sewell. But Mr. Adderley's explanation is the most curious. He states "when Mr. Fitzherbert moved a resolution that if the large sum could not be obtained the smaller sum be accepted, Mr. Sewell was absent from the House, and an inferior member of the Government expressed his acquiescence in that proposal." This we must leave to the memories of those who were present. But who was this inferior member of the Government? It was not Dr. Campbell; Mr. Stafford, as Premier, and Mr. Richmond, as Colonial Treasurer, both took precedence of Mr. Sewell, as Colonial Treasurer. Who could have furnished this piece of information to Mr. Adderley? Must we again remind Mr. Sewell that the present Ministry could not have been formed but for the express understanding that he was not to be at the head of the Government.

"Upon the return of Mr. Sewell," Mr. Adderley proceeds to say, "finding what had been done without his instructions, he moved the addition of a rider which entirely stultified the original resolution." Not the resolution, but the House. If that rider be anything more (which we do not admit) than a mere clumsy appendage, the House were induced by Mr. Sewell to stultify themselves. For mark, the original resolution had not been passed; it could still have been either withdrawn or negatived. It is surprising that so conscientious a man as Mr. Adderley should not have perceived that he was accusing Mr. Sewell of entrapping the House, and the House of being so silly as to permit themselves to be so entrapped.

Sir J. Trelawny, whose common sense remained still unconvinced, stated his willingness to believe that Mr. Sewell had not been influenced by any desire to deceive. We desire to believe, if he would but permit us, that he had made a mistake—that his memory had failed him; and we incline to believe it still, in spite of himself. We cannot bring ourselves to think that his recollection is so painfully accurate. To his many good qualities and abilities, while still aware that he was not of that high caste of mind which is superior to manoeuvring, we have always borne cheerful testimony. We have even defended him, not only, as in the present instance, from himself; but also from the unfair persecution to which he was for a long while subjected by our contemporary, the "New Zealander." Mr. Fox's quotation from those columns, in the House, is not yet forgotten.

But our contemporary, the "New Zealander," which assailed him most unscrupulously when, with one exception, he was in the right, is equally ready to support him when he is clearly in the wrong. His letter to the Governor is enshrined in an article intitled, "Mr. Sewell and his Detractors." Our contemporary would have done him better service by admitting the falsehood of its own report of Mr. Sewell's conduct in the House on the last day of the first Session—on the occasion of the key-hole prorogation,—a report which disgraced Mr. Sewell, and which disgraced the House. So strong is the feeling still about that report, that upon a late occasion it hindered an invitation (our readers will pardon the anticlimax) from the Auckland members of the House to the members from the South. For there were those who declined to meet the member for the Pensioner Settlements, the publisher of that report, until he should have apologised for it to the House.

### Sub-Enclosure 3.

ARTICLE extracted from "Wellington Independent," written by a Member of the House of Representatives. (Mr. Fox.)

Mr. Sewell before the House of Commons.

MR. SEWELL has had a very narrow escape. Our readers will remember the charges made against him, first, by the Auckland "Southern Cross," and afterwards to ourselves, of his having made a false statement before a Committee of the House of Commons in reference to the 500,000 *l.* loan, when he asserted that a proposition made in the House of Representatives to accept 200,000 *l.* if a Parliamentary guarantee for the larger sum could not be obtained, had been "distinctly negatived," when in fact such proposition had been carried.

The subject was brought before the House of Commons on the 10th May last, by Sir John Trelawny, who flatly charged Mr. Sewell with having influenced the Committee to recommend the guarantee "by evidence which was palpably contrary to the truth." Lord Stanley, the Secretary for the Colonies, was at first entirely unable to meet the charge, or find any satisfactory excuse for the discrepancy between Mr. Sewell's statement and the facts recorded in the Blue Book of the House of Representatives. The question was, however, raised a second time on a subsequent day, when by the aid of some of Mr. Sewell's friends it was so mystified and confused, that he contrived to escape in the cloud of dust which they raised, and got off with a sort of acknowledgment that "though the statement certainly went further than the facts, allowance must be made for the position of a gentleman whose words were taken down at the moment they were spoken." We confess we should have thought that that was precisely the position for which no allowance ought to be made, for if a man's words are taken down at the moment he speaks, and that by a shorthand writer, it is pretty certain that they represent not only what he says but what he intends to say.

We print below the report of the two discussions, as we find them condensed in the "Home News."

The House of Commons seems to have had a most confused idea of the real merits of the case, pardonable, perhaps, in the case of those members to whom the subject was new, but

really inexcusable in those who, like Mr. Labouchere and Mr. Adderley, ought to have known the real facts of the case. Not one of the excuses which they and Lord Stanley put forward for Mr. Sewell will hold water; not one of them is borne out by the facts.

1st. They say that though Mr. Sewell's statement that the proposition to take the smaller sum of 200,000 £. had been distinctly negatived was not true, yet that the amendment tacked on to Mr. Fitzherbert's resolution by Mr. Sewell rendered the resolution wholly nugatory; and therefore Mr. Sewell's assertion was only a "verbal inaccuracy."

This is entirely a mistake. Mr. Sewell's amendment neither rendered nor was understood by the House of Representatives to render the resolution nugatory. Mr. Fitzherbert's resolution was, that if 500,000 £. could not be got, 200,000 £. should be taken. Mr. Sewell's amendment was, that if only 200,000 £. could be got, the financial arrangements between the Provinces should be readjusted. How did this amendment nullify the resolution? It had, we repeat, no such effect whatever, and was never understood by the House of Representatives to have such effect. It supposed the circumstances contemplated by Mr. Fitzherbert's resolution to have come to pass, and merely provided for a course of action contingent thereon, but was in no way in conflict with or evasive of Mr. Fitzherbert's resolution.

2d. "That the resolution was looked upon as a dead letter, might be inferred from the fact that it never appeared to be submitted to the Upper House of Legislature in the Colony."

Financial resolutions of the House of Representatives no more require to be submitted to the Upper House than those of the House of Commons require to be submitted to the House of Lords; and therefore Lord Stanley's inference falls to the ground.

3d. That "when Mr. Fitzherbert moved his resolution Mr. Sewell was absent from the House, and an inferior member of the Government expressed his acquiescence in it. Upon the return of Mr. Sewell, finding what had been done without his instructions, he moved the addition of a rider which entirely stultified the original resolution." (Mr. Adderley.)

Now that this is a tissue of mistakes we think we shall easily prove.

In the first place, who was the "inferior member of the Government?" There were only three members of the Government in the House; Mr. Stafford, the Prime Minister; Mr. Richmond, the Colonial Secretary; and the Treasurer, Mr. Sewell himself. If one of the three were inferior in position to the other two, it was the Treasurer himself, Mr. Sewell.

But, secondly, Mr. Fitzherbert's motion was not carried by the acquiescence of the Government, or of any "inferior member" of it. It was debated by the House, Mr. Sewell himself taking an active part in the debate, moving his amendment upon it, and finally with the amendment tacked to it, it was carried on a division, in which Mr. Sewell voted himself. There were two discussions on the subject; the first on one of the financial resolutions of the Government, on which Mr. Sewell and Mr. Fitzherbert both spoke and both voted; the other on Mr. Fitzherbert's motion, when both spoke and both voted again: Mr. Sewell was the only Government member who took an active part in the debate, Mr. Stafford, the Prime Minister, whom, we presume, Mr. Sewell means by the "inferior member," saying only a few words, and that not on Mr. Fitzherbert's resolution, but on the previous discussion on the original Government financial resolution.

In order to corroborate this statement, made on the recollection of a Member of the House who was present, we print below the report of the debate as given at the time in the "New Zealander," the Government paper. It is impossible to read this report and not be convinced that the excuse of Mr. Sewell's having "been absent from the House when Mr. Fitzherbert's resolution was acquiesced in by an inferior member of the Government," is entirely without foundation, and that Mr. Adderley must have been grossly imposed upon when he was induced to offer to the House of Commons this apology for Mr. Sewell's conduct.

We regret that during the late Session of the Assembly, when the subject of the loan was again under discussion, no Honourable Member should have brought Mr. Sewell's evidence under the notice of the House. Mr. Fitzherbert was not present, and his more immediate supporters were also absent for the Session; but Mr. Carleton's easily recognisable pen proclaims him the author of an able and searching article on the subject, when the evidence first reached the Colony. Why did he not in his "place in the House" arraign Mr. Sewell as he did in his paper? It is not creditable to the Colony that its agent should be charged with obtaining a loan from the British Parliament "under false pretences." If he did so, let Parliament at least know that the Colonial Legislature was not an accomplice in the act. If Mr. Sewell should return to the Colony, and resume his seat in the House of Representatives, he may depend upon it, that stale though the matter may then be, it will not be allowed to remain without further investigation, in a place where those who took part in the debates of 1856 will be present to face him.

H. Sewell, Esq.,  
to the Right Hon.  
Sir E. B. Lytton,  
Bart., M.P.  
28 March 1859.

COPY of a LETTER from *H. Sewell, Esq.*, to the Right Honourable  
*Sir E. B. Lytton, Bart., M.P.*

Auckland, New Zealand, 28 March 1859.

Sir,

(Received, 11 June 1859.)

I HAVE the honour to transmit a letter, in reply to one addressed by certain Members of the House of Representatives to yourself, in reference to evidence given by me before the Committee of the House of Commons in 1857.

I have, &c.

(signed) *Henry Sewell*



## Enclosure.

COPY of a LETTER from *H. Sewell, Esq.*, to the Right Honourable Sir *E. B. Lytton, Bart.*

Enclosure.

Sir,

Auckland, 8 March 1859.

I HAVE the honour of addressing you on the subject of a letter which has appeared in the public newspapers of this Colony, signed by five Members of the House of Representatives (including the Speaker), purporting to be addressed to yourself, in reference to my evidence before the New Zealand Loan Committee in 1857.

The object of these gentlemen is to controvert certain statements made by me, and to disclaim, as Members of the Legislature, all participation in the act of that body, in accepting from the Imperial Government a loan, obtained, as they consider, under misrepresentation.

It is not me to vindicate the Legislature from so grave an imputation. It will be sufficient for me to justify myself, which I shall do by a bare statement of facts, without noting or replying to expressions in the letter of a personally offensive character.

Under the "New Zealand Constitution Act, 1852," one-fourth of the Land Fund of the Colony was set apart to satisfy the New Zealand Company's claim of 267,000 £; and the Governor was empowered, out of the remainder, to take so much as he might require (practically exhausting the whole) for extinguishing the title of natives over certain portions of the Colony.

The burthen of the Company's debt was felt as a special grievance by the northern part of the Colony. The provinces of the Middle Island complained of the absorption of their Land Fund in extinguishing the title of natives over lands in the north, in which, from their locality, they had no interest.

In 1855 an arrangement was come to by Mr. Adderley with the New Zealand Company for commuting their charge for the sum of 200,000 £, to be paid in April 1857; and the Imperial Government, through Lord John Russell, offered to guarantee a loan for that sum. The time for payment was subsequently extended to April 1858.

In 1856 the Colonial Government (of which I was a member) proposed to the Legislature a plan for exonerating the Land Fund from both liabilities, by raising a sum of 500,000 £ by loan, upon Imperial guarantee, out of which the Company's debt was to be satisfied, and a capital fund provided for extinguishing the native title. They proposed at the same time a plan for a general apportionment and adjustment of the debts and burthens of the Colony. These plans were embodied in 18 Resolutions, which are commonly referred to as the Financial Resolutions of 1856. They have been forwarded to the Colonial Office, and I beg to refer you to them.

The Government plan was opposed by a party in the Legislature (of which the five Members who have addressed you formed a leading portion), whose object was to induce the Legislature to content itself with accepting the offer of an Imperial guarantee for 200,000 £ to exonerate the Land Fund from the Company's claim, but without exonerating it from its liability under the Constitution Act to be taken by the Governor for extinguishing native title.

During the course of debate on the Government Resolutions, Mr. Fitzherbert (one of the gentlemen who have addressed you) moved a resolution in the following terms:—

"That in the event of the financial scheme of the Government failing from inability to obtain the necessary loan of 500,000 £, the loan of 200,000 £ offered by the Home Government for the liquidation of the New Zealand Company's debt, be raised on the terms proposed, and the mode of payment shall stand over for adjustment between the several provinces at a future period."

This resolution, it will be seen, was intended to pledge the Colony to accept, unconditionally, the guarantee offered by the Imperial Government for discharging the Company's claim by itself, but without making any provision for exonerating the Land Fund at the same time from its liability to absorption in extinguishing the native title. Its practical effect would have been to defeat the Government plan, by limiting the Imperial guarantee to the smaller sum, and it would have placed the Southern Provinces in an extremely disadvantageous position, upon any general adjustment of the public burthens, by leaving their Land Fund liable to absorption, or probably compelling them to submit to unfavourable terms.

After some discussion, Mr. Fitzherbert was induced to postpone his motion till the whole series of Government resolutions were disposed of. They were carried by a majority of 19 to 10, Mr. Fitzherbert and his party voting in the minority.

The House then resolved itself again into Committee, for the purpose of considering Mr. Fitzherbert's resolution.

It was moved by him, and opposed by me and others; we insisting that in order to do equal justice to all parts of the Colony, it was requisite that the New Zealand Company's debt should not be dealt with by itself, but in connexion with a general adjustment of the public burthens; and that the Land Fund ought not to be relieved from the Company's debt, without extinguishing at the same time the Governor's power to absorb the Land Fund in native land purchases.

There was an animated debate, which resulted in my moving the following amendment, viz., That all the words after the words "stand over," should be omitted, and the following added:—

"As part of a general adjustment of the public burthens, it being an essential part of such adjustment that the Land Fund shall be exonerated from its special liability to the purchase of native lands as well as from the New Zealand Company's debt."

Some additions were made at the suggestion of other Members, not touching the point now at issue. The amendment was opposed by Mr. Fitzherbert and his friends. The Committee divided, and the amendment was carried by a majority of 17 to 11; Mr. Fitzherbert and his party voting in the minority. The resolution in its amended form was reported to the House, and adopted.

The meaning of the amendment, taken in connexion with the subject motion of debate, cannot, I think, be misunderstood. The Legislature, in effect, declares that, failing to obtain the full amount of the guarantee, it will accept the guarantee offered for 200,000 £, to get rid of the Company's debt, allowing the mode of apportionment between the provinces to stand over; but it requires that this measure shall only be a part of a general adjustment of the public burthens of the Colony (not as proposed by Mr. Fitzherbert, an insulated arrangement), and it makes it an essential part of, or indispensable condition of such general adjustment, that the Land Fund shall be exonerated from the Governor's power, under the Constitution Act, of taking it for native land purchases as well as (that is, according to my view, simultaneously with) the Company's debt. Thus it would become an imperative condition of any Parliamentary measure for relieving the Land Fund from the Company's debt that provision should also be made for extinguishing the other liability. Both, in fact, must be redeemed together; so that, when the provinces shall meet afterwards to adjust and apportion amongst themselves the public burthens, the Northern and the Southern Provinces may stand on equal ground.

The particular plan which was in view to carry out this principle was to make provision for an alternative loan. If the Imperial guarantee could only be obtained for 200,000 £, it was suggested that the remaining 300,000 £ might be raised separately on security of the Colony; but a measure of that kind was found to be open to great difficulties and objections, and it was never proposed in any formal shape. The Loan Act finally disposed of the question.

Such was the intention of the amendment, and such, according to my view, is its proper meaning and effect. Consistently with this view, when I was asked in Committee whether the Colony would accept the Imperial guarantee for 200,000 £, if Parliament should refuse to guarantee the full,—that is, whether it would accept relief from the Company's debt, without at the same time exonerating the Land Fund from the Governor's power of taking it for native land purchases,—my answer was, that it would not; that a proposal to that effect had been made and distinctly negatived (whether the negative were distinct or implied is obviously a mere question of verbal criticism).

But since my arrival in the Colony I have been told that other persons understood and construed the amended resolution in a different sense, and the gentlemen who have addressed you attribute to it a different meaning. According to their view, the resolution, as amended, meant an unconditional acceptance of the 200,000 £, leaving the mode of apportionment to stand over as part of a general adjustment of the public burthens, and merely pledging the House (so far as a resolution of one branch of the Legislature could pledge itself and its successors), when that adjustment should take place, to provide some undefined means for obtaining from Parliament, at some future day, the exoneration of the Land Fund from liability for native land purchases.

Such an interpretation would, in fact, render the amendment nugatory, and would have the effect against which it was intended to guard, of relieving the Land Fund from one liability without the other, so placing the Southern Provinces at the mercy of the Northern.

But it may be that the language is ambiguous, and the gentlemen who have addressed you state that they construe it in a different sense from mine. I cannot easily reconcile their view of it with the facts, nor can I distinctly perceive the grounds on which Mr. Fitzherbert, having opposed and voted with the minority against the amendment, can be considered as "having carried his point." The tenor of the debate, the opposition, the division, the subsequent action of both branches of the Legislature (the Loan Act in particular), and the significant omission of any step taken by Mr. Fitzherbert or his friends, to give practical effect to the resolution, as construed by him, appear to me grounds on which I may fairly rely in support of my view of the case.

I have looked through the protest against the Government scheme, addressed by the same gentleman to Mr. Labouchere, at the end of the Session of 1856. Their object in that protest was to induce the Imperial Government to withhold its guarantee for the 500,000 £, and to limit it to 200,000 £ for discharging the Company's debt. It is remarkable that in that document they should have omitted all reference to a circumstance so direct to their purpose, as that the Legislature had resolved to accept the smaller sum if the larger were refused. I transmit a copy of this document. You will look in vain for the slightest allusion to so pregnant a fact, and this is the more remarkable, because you will observe that in the fifth paragraph of their protest they call attention to the fact, that the New Zealand Company "had proposed to accept 200,000 £ in satisfaction of their debt;" that "the General Assembly had assented to that proposal;" that "the Imperial Government had agreed to guarantee a loan for the purpose." It does not seem to have occurred to them to add what, if the fact were so, would be a material circumstance, viz., that the House of Representatives had resolved to accept that offer.

Sub-Enclosure.



The fact is that the resolution, as amended, was practically treated as nugatory; was not proposed to the Legislative Council; was not communicated to the Governor, nor to the Home Government; no action was taken upon it by Mr. Fitzherbert or his friends; it remained a dead letter.

As regards my personal veracity, my evidence before the Committee was given under a very clear and distinct impression that the decision of the House of Representatives was as I have stated. If I could satisfy myself that I was in error, I should not hesitate frankly to admit it.

That, however, is not the real question between me and these gentlemen. It is not very important to determine with exact accuracy the meaning of words in a resolution of one chamber of the Legislature on which no action has been taken, but it is of very great importance that the real intentions of the Colonial Legislature in this matter should be rightly understood; and about these there can be no question.

The substance of my evidence before the Committee was, that Parliament had no alternative but to guarantee the loan entire or not at all. The object of these gentlemen is to impress upon you that the Colonial Legislature had resolved on, and make provision for accepting the Imperial guarantee for 200,000 £. in the event of the guarantee for the full sum being refused; that I suppressed that circumstance from the Committee, so inducing them to believe (contrary to the fact) that they had no alternative but to assent to the full sum; and that the Colony has accepted a loan obtained, under these circumstances, by misrepresentation. It is obvious that this question touches the good faith of the Colony no less than my individual veracity. Fortunately, the matter does not admit of question, and I cannot but regret that gentlemen of high position in the Colony should have lightly given circulation to statements of such a nature, which, on reconsideration, they must perceive to rest on no foundation in fact.

The intentions of the Legislature are clear and unequivocal.

The 16th of the Financial Resolutions is as follows:—

“That such scheme of arrangement and adjustment be effectuated by Act of the Imperial Parliament, to be applied for forthwith, and that an appeal be made to the Home Government for its guarantee for an aggregate loan of 500,000 £.”

The 17th declares, “That failing such Act of Parliament and guarantee, the entire scheme be open to revision by the General Assembly.”

The financial resolutions of the House of Representatives were officially communicated to the Governor by the Colonial Ministers. They were afterwards proposed in the Legislative Council, and adopted by that body. They were transmitted by that body formally to the Governor, by address; and they were communicated by the Governor to the Imperial Government.

Founded on them, and in order to give them effect, the Loan Act was passed. Its preamble recites:—

“That it is expedient to raise a loan for the purpose of liquidating the charge secured by Acts of the Imperial Parliament to the New Zealand Company, and consolidating the public debts and liabilities of the Colony of New Zealand.”

Sect. 2. Authorises the Crown, by its agents, to raise “such sum, not exceeding in the whole 500,000 £., at the Commissioners of the Treasury shall, at the request of the Governor, determine and direct.”

Sect. 3. Fixes the rate of interest at four per cent., a rate of course impracticable without the Imperial guarantee.

Sect. 6 declares, that all money to be borrowed under the authority of the Act shall be applied, as the Commissioners of the Treasury shall direct, “to the several purposes specified and set forth in the Schedule to the Act.”

The Schedule specifies:—

1. The sum of 200,000 £. to discharge the debt due to the New Zealand Company, and the repayment to the Province of Auckland.
2. £. 120,000 to discharge the outstanding debts of the Colony.
3. £. 180,000 for extinguishing the native title in the Northern Island of New Zealand.

The meaning of the Loan Act is clearly elucidated in an official Minute, dated the 5th of September 1856, accompanying the Act and Financial Resolutions transmitted by the Governor's responsible advisers to the Governor, and transmitted by him to the Colonial Office on the 24th of September 1856. It is published in the Appendix to the Votes and Proceedings of the House of Representatives, 1858 (B. No. 5, p. 5). I refer you to it as containing a distinct and official statement of the views of the Colonial Ministers upon the whole of the financial measures. The particular object is to explain the effect of the Loan and other Acts. After pointing out the circumstances which rendered the loan of 500,000 £. necessary, and in particular the conflicting interests of the northern and southern portions of the Colony, it proceeds to state:—

“The differences between the north and the south create an additional necessity for making provision for both charges by one plan. The Northern Island, Auckland in particular, demands exemption from the Company's debt. It requires the South to take that burthen on itself. The Middle Island retorts by a claim to be exempted from buying native lands in the North. With such a claim and counter-claim, the Land Fund must be exonerated from both charges simultaneously. Neither portion of the Colony will submit to a partial settlement.”

Then, after explaining the mode in which the loan is to be applied, it adds—

“It will be impossible to effect the above several objects, except by one entire loan, and the Imperial guarantee is an indispensable condition for raising the money, at a rate of interest which the Colony may be able to bear.”

I refrain from any remarks in the way of recrimination, and from noticing passages and expressions in the letter, which are merely intended to give personal offence.

I have &c.

(signed) *Henry Sewell.*

### Sub-Enclosure.

COPY of Protest addressed by Mr. *Fitzherbert* and others to Mr. *Labouchere* in 1856.

To the Right Hon. *H. Labouchere*, M.P., Her Majesty's Principal Secretary of State for the Colonies.

Sir,

1. WE have the honour to address to you the following protest against a financial proposal of the General Government of this Colony, to which the assent and co-operation of Her Majesty's Government will be sought, but we venture to hope without success.

2. The waste lands of this Colony were, by the Constitution Act of 1852, subjected to two distinct burthens: 1st. A debt of 260,000*l.* due to the New Zealand Company, bearing interest, for the redemption of which provision was made, by the appropriation to the Company of one-fourth of the proceeds of all sales of the waste lands; and 2d. A liability to bear the cost of extinguishing the native title in that part of the waste lands not yet purchased from the aborigines. It was not, without much deliberation, and after a full consideration of the circumstances of the case, that these charges were imposed equally on all the waste lands of the Colony, as a whole, instead of apportioning them to particular provinces, in accordance with any imaginary rule of equity. As regards the Company's debt, it was held by the Imperial Government and Parliament that, as it originated in the extinction of the Company's right to select a large estate (1,300,000 acres) in any or all parts of the islands, and by the extinction of which all parts were benefited, it was equitable to charge the debt on all the lands relieved, (*i.e.*), on the whole waste lands of the Colony, and not merely on those settlements which had been founded by the Company and had enjoyed the benefit of its direct expenditure in the course of its colonising operations.

3. As regards the liability of all the waste lands of the Crown to contribute towards the purchase of other lands from natives (which by such purchase became demesne of the Crown and available for colonisation), the case stands thus: the whole Midland Island (more than 50,000,000 of acres) having little or no native proprietary, has been purchased at a trivial cost, and the waste lands comprised in it have been included in the three provinces of Nelson, Canterbury, and Otago, in whose hands they constitute an immense source of wealth, for which they have given little or no consideration. The Northern Island, containing about 40,000,000 of acres, being in comparison densely peopled by the aborigines, has as yet been only partially purchased, and very large sums will have to be expended before the provinces of Auckland, Wellington, and New Plymouth can extinguish the native title in, and get possession of, the waste lands included within their political boundaries. The principle adopted by the Imperial Government in the Constitution Act is, that the waste lands of the Middle Island, which have been handed over to the provinces of that island, almost without cost to them, should contribute jointly with the purchased lands in the Northern Island towards the extinction of the native title in the latter island. This seems entirely equitable; for no reason can be given why the provinces in the Middle Island should have a vast estate assigned to them, almost without consideration, and those in the Northern Island be obliged, at their own cost, to buy the territory included in their political divisions; and had the colonisation of New Zealand been effected by the deliberate act of the British Government, and on a systematic plan, instead of accidentally and by piecemeal, the result arrived at by the Constitution Act would have followed as a matter of course; for the Imperial Government, in such case, extinguishing the native title in the whole of the islands by one purchase, or a successive series of purchases, would no doubt, before colonisation had commenced, have charged the whole islands with the debt; and in such case no one could have entertained a doubt as to the propriety of such a course, or the equitableness of the incidence of the general burthen.

4. This status of the policy, in reference to its burthens, stands at present guaranteed by the Constitution Act, and is regarded by the provinces which oppose the proposed new financial scheme of the General Government as a fundamental right conferred upon them by Parliament.

5. The New Zealand Company, under the sanction of the Imperial Government, has proposed to accept a cash payment of 200,000*l.* in satisfaction of its debt, and the General Assembly has assented to it. The Imperial Government has agreed to guarantee a loan for the purpose, to be charged on the waste lands of the entire Colony, redeemable in 30 years, with interest. To this no objection is made by the undersigned, but on the contrary they desire earnestly to see it effected.

6. But



6. But the Colonial Government proposes, in addition, to raise 300,000 £. by loan, also to be guaranteed by the Imperial Government (100,000 £. to meet certain alleged outstanding liabilities of the Colony, and 200,000 £. to extinguish native titles in the Northern Island). It proposes to charge the whole amount, including the Company's debt, 500,000 £., on the waste lands of New Zealand, as between the Colony and the lenders; but, by a subordinate adjustment, to charge the 200,000 £. raised for the extinction of the Company's debt on the Middle Island exclusively, and the 200,000 £. raised for native purchases on the Northern Island exclusively; while the 100,000 £. raised to extinguish floating liabilities is to be charged on the entire Colony. This is the arrangement towards effecting which the co-operation of the Imperial Government will be sought, and against which we beg most respectfully to protest on the following grounds:

1st. That it is a direct contravention of the fundamental principles laid down by the Constitution Act, which, as stated above, charged the burthens in question on the Colony as a whole.

2dly. That while the debt charged on the Middle Island amounts to only 200,000 £., it relieves it from a contribution towards the extinction of native title, which would ultimately amount to not less than a million and a half sterling; while, though the Northern Island is apparently charged with only a similar amount (200,000 £.), yet, as that sum will go but a little way towards extinguishing the native title, it will have to bear, in addition, the balance of the cost, which may, and probably will, be very large.

3dly. That the tendency of the proposed adjustment will be to destroy the unity and solidarity of the Colony, which nothing would more contribute to secure than the existence of a common debt, charged on it as a whole, and based on an equitable principle. And its ultimate effect would be to split the Colony into two—a consummation to be earnestly avoided.

4thly. That the measure is deceptive, inasmuch as while, by the subordinate arrangement of the debt, it proposes to relieve the Northern Island from one charge, and the Middle Island from another, the debt is, as between the Colony and its creditors, to be charged on the whole; and thereby, in case of default by any portion of the islands—any individual province, for instance—the rest will have to resume the burthen from which the scheme professes to relieve them.

5thly. That it proceeds to relieve the Land Fund from all contribution towards the expenses of the General Government, towards which, by the Constitution Act, it was liable equally with the Customs Revenue. This provision will operate very injuriously to the Northern Island, where the Land Fund is comparatively small and the Customs large. The whole cost of the General Government will fall on the latter, and the Northern Island not only lose its claim to contribution from the Land Fund towards native purchases, but also have to contribute an undue proportion towards the cost of the General Government.

Another objection to which we beg your attention is this,—

By a resolution of the House of Representatives, passed in 1854, it was determined that Auckland should be relieved from the Company's debt, on taking on itself any debts which might have been incurred for its peculiar advantage. The debts contemplated by the latter clause were,—1. A sum of about 80,000 £. charged against the Colony by the Home Government on account of the establishment of the Pensioner force. 2. The sum of 27,000 £., or thereabouts, being a consolidated debenture debt, which was originally incurred for the sole, or almost sole, benefit of Auckland. And lastly, about 11,000 £. due to the Imperial Government for immigration, also specially for the benefit of that province. Now, while the Government scheme proposes to carry out the first part of the above resolution, prospectively and retrospectively, providing for the immediate cash payment of 40,000 £. by way of refund to Auckland, it requires no guarantee from that province that it will meet the liabilities contemplated by the second part of the resolution; and the Government, in the debates in the House of Representatives, though it admitted the liability of Auckland to at least the Pensioner debt (80,000 £.), deliberately declined to specify it in its scheme, or to make any allusion to any of the alleged liabilities of Auckland, except a trivial sum of 900 £. It is only on the faith of the resolution of 1854 that Auckland can claim any exemption; and as that resolution consists of two parts, a debtor and a creditor side, it is most unjust to provide for the one and not for the other also.

We beg also to intimate that this scheme, though of such vital consequence to the several provinces, whose rights are invaded by it, has not been submitted to their consideration, nor was the present House of Representatives elected in contemplation of it. The only security against oppression by party majorities, which any individual province has, is the Constitution Act, bestowed by the Imperial Parliament; and we trust that the Imperial Government will not on any light ground consent to the alteration of that Act in any point of such vital importance as that referred to. That, should Her Majesty's Government be inclined to accede to the proposal of the Colonial Government, the undersigned earnestly hope that it will not do so till the financial scheme in question shall have been submitted to the constituencies of New Zealand by a dissolution of the Assembly; adopted, as it has been, only by a majority of the House of Representatives, consisting of representatives of provinces receiving a special benefit under it, while the other provinces are most seriously injured by it.

We beg also to intimate that another financial scheme, which was in conformity with, and in no way infringed the Constitution Act, was adopted by resolution of the House, which remains unrescinded, but which, owing to party combinations, based chiefly on the special, and, as we think, unfair advantages held out to Auckland, has been superseded by the financial scheme of the present Government.

## NEW ZEALAND LOAN.

COPY of a LETTER (dated Wellington, New Zealand, 29 December 1858), addressed to Her Majesty's Principal Secretary of State for the Colonies by the Speaker (Sir Charles Clifford), and Four other Members of the House of Representatives, calling the attention of the Secretary of State to certain Evidence given before a Committee of the House of Commons, in favour of a Guarantee by the Imperial Legislature of a Loan of 500,000 £. to the Colony of *New Zealand*; and of a LETTER from Mr. Sewell, in reference to the same.

(*Mr. Adderley.*)

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*Ordered, by The House of Commons, to be Printed,  
25 July 1859.  
Re-printed, 29 April 1864.*

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# P A P E R S

RELATING TO

A PROPOSAL THAT PARLIAMENT SHOULD GUARANTEE  
A LOAN TO BE RECEIVED BY THE GOVERNMENT  
OF NEW ZEALAND TO MEET THE EXPENSES  
ARISING OUT OF THE NATIVE WAR.

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Presented to both Houses of Parliament by Command of Her Majesty.  
*June 1864.*

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L O N D O N :

PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,  
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FOR HER MAJESTY'S STATIONERY OFFICE.

1864.

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33567

# SCHEDULE.

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## P A P E R S

RELATING TO

A PROPOSAL THAT PARLIAMENT SHOULD GUARANTEE A LOAN TO BE RECEIVED BY THE GOVERNMENT OF NEW ZEALAND TO MEET THE EXPENSES ARISING OUT OF THE NATIVE WAR.

No. 1.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor  
Sir GEORGE GREY, K.C.B.

(No. 75.)

NEW  
ZEALAND.  
No. 1.

SIR, Downing Street, July 27, 1863.

I ENCLOSE copies of correspondence which has passed between this Department, Mr. Crosbie Ward, the War Office, and the Lords Commissioners of the Treasury, respecting the settlement of the Imperial claims upon the colony in respect to military services, and the proposal that the Imperial Government should guarantee a loan of 500,000*l*.

You will perceive that, the session being nearly at its close, I took upon myself to offer Mr. Ward to accept the sum of 200,000*l*. in satisfaction of the recent Imperial claims, amounting to something more than 207,000*l*., to remit an old debt of 67,927*l*. in respect of the New Zealand Fencibles, and to recommend to Parliament to guarantee the proposed loan.

These terms Mr. Crosbie Ward did not apparently think himself authorized to accept; and although he subsequently appears to have changed his mind, and was understood at a personal interview to express his readiness to close the negotiation on the proposed conditions, this did not occur till the Bill had been definitively withdrawn, and the rules of the House of Commons rendered it impossible that it should be then re-introduced.

I shall address you again on this subject. I can now only express my regret that Mr. Ward was, or considered himself, precluded from accepting the proposal of Her Majesty's Government till it was too late to do so, and my apprehension that the Lords of the Treasury may not consent to its renewal.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

- I have, &c.  
(Signed) -NEWCASTLE.

Enclosures.

Enclosures.

SIR, War Office, Pall Mall, S.W., April 24, 1863.

I AM directed by the Secretary of State to forward, for the information of his Grace the Duke of Newcastle, a copy of a letter addressed to Mr. Crosbie Ward, the accredited agent in this country on behalf of the Government of New Zealand, enclosing a statement of the amount due by that colony to the 30th September 1862, on account of expenses arising out of the insurrection of the natives.

In regard to that paragraph of the letter to Mr. Crosbie Ward informing him that the account furnished is exclusive of the advances that have been made out of Her Majesty's Treasury Chest in New Zealand on account of the hire of certain colonial vessels and of other naval expenses, I am to state, that the sum of 45,001*l*. 10*s*. 8*d*. advanced from the Treasury Chest for this service has been repaid, or is in course of repayment, to this Department, by the Admiralty. It is, however, for his Grace the Duke of Newcastle to determine whether any claim shall be raised against the colony for this service.

The Under Secretary of State for the Colonies,  
&c. &c. &c.

I have, &c.  
DOUGLAS GALTON.

NEW  
ZEALAND.

SIR,

War Office, April 24, 1863.

HIS GRACE the Duke of Newcastle having referred you to this Department for information respecting the amount due by the colony of New Zealand to the Imperial Government, on account of the expenses arising out of the recent native rebellion in that colony, I am directed by the Secretary of State for War to forward, in answer to your personal application, a statement showing that the amount due by the colony to 30th September 1862 is 207,317*l.* 1*s.* 8*d.*

I am to state that this amount is exclusive of the sums advanced from Her Majesty's Treasury Chest in New Zealand on account of the hire of the "Tasmanian Maid" and "Wonga Wonga," and of other special charges appertaining to sea transport; the question of the liability of the colony to defray these charges having been referred to the Colonial Office, and pending the decision on this question, no charge has been raised against the colony.

The sum of 207,317*l.* 1*s.* 8*d.* is also exclusive of the amount due to the Imperial Government on account of the New Zealand Fencibles.

The account now rendered includes the sum of 7,000*l.* charged on account of the capitation grant of 5*l.* per officer and man for the period from the 1st April to 30th June 1862. This sum is approximate only, and will have to be adjusted when a statement shall have been received of the average number employed in the colony during the period in question.

The account is furnished to you as the nearest approximation to the sum due by the colony to the 30th September 1862, but it must not be considered as a final statement to that period, as an investigation of the accounts in this office will render it necessary to refer to the colony for information respecting certain items included in a statement received from the Deputy Commissary General, New Zealand, relating to accounts of the year 1860-61 and prior years.

Should you wish to inspect the detail vouchers relating to the account, or require any further information thereon, your application to this effect will be immediately attended to.

I have, &amp;c.

D. GALTON.

Crosbie Ward, Esq.

AMOUNT due by the Colony of New Zealand on account of army services to 30th September 1862.

|                                                                               | £ | s. | d. | £ | s. | d.     | £  | s. | d.     | £  | s. | d. |
|-------------------------------------------------------------------------------|---|----|----|---|----|--------|----|----|--------|----|----|----|
| 1860-61, and prior years.                                                     |   |    |    |   |    |        |    |    |        |    |    |    |
| To amount of capitation at 5 <i>l.</i> per man:—                              |   |    |    |   |    |        |    |    |        |    |    |    |
| 1858-59, 1464 men                                                             | - | -  | -  | - | -  | 7,320  | 0  | 0  |        |    |    |    |
| 1859-60, 1214 men                                                             | - | -  | -  | - | -  | 6,070  | 0  | 0  |        |    |    |    |
| 1860-61, 2670 men                                                             | - | -  | -  | - | -  | 13,350 | 0  | 0  |        |    |    |    |
|                                                                               |   |    |    |   |    |        |    |    | 26,740 | 0  | 0  |    |
| Advances to Paymasters of the Taranaki,<br>Wellington, and Wanganui Militia:— |   |    |    |   |    |        |    |    |        |    |    |    |
| March Quarter, 1860                                                           | - | -  | -  | - | -  | 1,997  | 5  | 8  |        |    |    |    |
| June " "                                                                      | - | -  | -  | - | -  | 7,374  | 13 | 7  |        |    |    |    |
| September " "                                                                 | - | -  | -  | - | -  | 8,875  | 6  | 8  |        |    |    |    |
| December " "                                                                  | - | -  | -  | - | -  | 7,451  | 4  | 0  |        |    |    |    |
| March Quarter, 1861                                                           | - | -  | -  | - | -  | 5,963  | 11 | 4  |        |    |    |    |
|                                                                               |   |    |    |   |    |        |    |    | 31,662 | 1  | 3  |    |
| MILITIA.                                                                      |   |    |    |   |    |        |    |    |        |    |    |    |
| March Quarter, 1860:—                                                         |   |    |    |   |    |        |    |    |        |    |    |    |
| Lodging money                                                                 | - | -  | -  | - | -  | 20     | 18 | 10 |        |    |    |    |
| June Quarter, 1860:—                                                          |   |    |    |   |    |        |    |    |        |    |    |    |
| Lodging money                                                                 | - | -  | -  | - | -  | 23     | 2  | 7  |        |    |    |    |
| Clothing                                                                      | - | -  | -  | - | -  | 386    | 10 | 4  |        |    |    |    |
| Forage                                                                        | - | -  | -  | - | -  | 292    | 12 | 0  |        |    |    |    |
| Engineer services                                                             | - | -  | -  | - | -  | 1,108  | 8  | 4  |        |    |    |    |
|                                                                               |   |    |    |   |    |        |    |    | 1,810  | 13 | 3  |    |
| September Quarter, 1860:—                                                     |   |    |    |   |    |        |    |    |        |    |    |    |
| Field allowance                                                               | - | -  | -  | - | -  | 36     | 8  | 0  |        |    |    |    |
| Lodging money                                                                 | - | -  | -  | - | -  | 27     | 14 | 1  |        |    |    |    |
| Clothing                                                                      | - | -  | -  | - | -  | 149    | 0  | 0  |        |    |    |    |
| Forage                                                                        | - | -  | -  | - | -  | 369    | 5  | 6  |        |    |    |    |
| Engineer services                                                             | - | -  | -  | - | -  | 1,806  | 7  | 8  |        |    |    |    |
| Secret service                                                                | - | -  | -  | - | -  | 50     | 0  | 0  |        |    |    |    |
|                                                                               |   |    |    |   |    |        |    |    | 2,438  | 15 | 3  |    |
| December Quarter, 1860:—                                                      |   |    |    |   |    |        |    |    |        |    |    |    |
| Field allowance                                                               | - | -  | -  | - | -  | 23     | 0  | 0  |        |    |    |    |
| Lodging money                                                                 | - | -  | -  | - | -  | 85     | 13 | 1  |        |    |    |    |
| Clothing                                                                      | - | -  | -  | - | -  | 420    | 0  | 0  |        |    |    |    |
| Forage                                                                        | - | -  | -  | - | -  | 427    | 10 | 0  |        |    |    |    |
| Engineer services                                                             | - | -  | -  | - | -  | 1,129  | 7  | 10 |        |    |    |    |
| Pay of Maori irregulars                                                       | - | -  | -  | - | -  | 861    | 1  | 1  |        |    |    |    |
| Conveyance of mails                                                           | - | -  | -  | - | -  | 25     | 0  | 0  |        |    |    |    |
|                                                                               |   |    |    |   |    |        |    |    | 2,971  | 12 | 0  |    |
| Carried forward                                                               | - | -  | -  | - | -  | 7,241  | 19 | 4  |        |    |    |    |
|                                                                               |   |    |    |   |    |        |    |    | 58,402 | 1  | 3  |    |



|                 | £ | s. | d. | £     | s. | d. | £ | s. | d. | £ | s. | d. |
|-----------------|---|----|----|-------|----|----|---|----|----|---|----|----|
| Brought forward | - | -  | -  | 7,241 | 19 | 4  |   |    |    |   |    |    |

58,402 1 3

NEW  
ZEALAND.

## March Quarter, 1861:—

|                         |   |   |   |     |    |   |
|-------------------------|---|---|---|-----|----|---|
| Hospital expenditure    | - | - | - | 1   | 0  | 8 |
| Field allowance         | - | - | - | 11  | 5  | 0 |
| Lodging money           | - | - | - | 31  | 15 | 5 |
| Clothing                | - | - | - | 169 | 2  | 0 |
| Forage                  | - | - | - | 500 | 18 | 0 |
| Engineer services       | - | - | - | 893 | 13 | 9 |
| Pay of Maori irregulars | - | - | - | 863 | 8  | 4 |

2,471 3 2

9,713 2 6

## Commissariat supplies issued to the militia:—

1st March to 31st December 1860 - - - 8,874 17 5

March Quarter, 1861 - - - 4,614 12 1

13,489 9 6

Amount expended in the erection of the  
Iron Barracks at Taranaki, 1855-56 and  
1856-57

6,931 5 5

88,535 18 8

1861-62.

Amount advanced from the Treasury Chest  
on account of the following:—

|                            |   |   |   |   |        |    |    |
|----------------------------|---|---|---|---|--------|----|----|
| Mounted volunteers         | - | - | - | - | 348    | 15 | 0  |
| Maori irregular force      | - | - | - | - | 1,644  | 12 | 5  |
| Taranaki militia           | - | - | - | - | 24,247 | 0  | 10 |
| Wanganui militia           | - | - | - | - | 684    | 1  | 7  |
| Hutt militia               | - | - | - | - | 14     | 13 | 3  |
| Field allowance, militia   | - | - | - | - | 11     | 7  | 6  |
| Lodging allowance, militia | - | - | - | - | 22     | 17 | 6  |
| Underpaid, R. Parris       | - | - | - | - | 27     | 0  | 0  |
| Enrolled pensioners        | - | - | - | - | 37     | 0  | 0  |

27,037 8 1

## Amount advanced for road-making purposes:—

30th December 1861 to 31st March 1862 - - - 11,102 8 7

## Commissariat supplies issued to the militia:—

1st April 1861 to 31st March 1862 - - - 9,300 18 3

## Ditto for extra men employed in road-making:—

30th December 1861 to 31st March 1862 - - - 2,578 6 10

11,879 5 1

## Capitation rate for 1861-2

27,718 15 0

## March Quarter, 1862:—

Pecuniary allowance in lieu of fuel and  
light, militia - - - 39 2 4

77,776 19 1

1862-63 (to 30th Sept. 1862.)

Amount advanced from the treasury chest  
on account of the following:—

|                  |   |   |   |   |       |    |   |
|------------------|---|---|---|---|-------|----|---|
| Taranaki militia | - | - | - | - | 4,790 | 12 | 4 |
| Wanganui militia | - | - | - | - | 1,346 | 4  | 9 |

6,136 17 1

## Ditto:—Road-making 1st April to 31st August

- - - 10,996 1 2

## Deduct—

Estimated value of animals retained  
for commissariat service - - - 3,990 0 0

7,006 1 2

## Commissariat supplies issued to the militia:—

1st April to 30th September 1862 - - - 368 9 8

## Ditto:—Road-making - - - 10,693 2 0

11,061 11 8

Pecuniary allowance in lieu of fuel and  
light to the militia, 1st April to 30th  
Sept. 1862

16 14 1

Capitation rate, 1st April to 30th June 1862  
(say)

7,000 0 0

31,221 4 0

Carried forward

197,534 1 9

NEW  
ZEALAND.

|                                                                                                                                                     | £ | s. | d. | £ | s. | d.    | £  | s. | d. | £       | s. | d. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|---|----|-------|----|----|----|---------|----|----|
| Brought forward - - -                                                                                                                               | - | -  | -  | - | -  | -     | -  | -  | -  | 197,534 | 1  | 9  |
| Amount due for arms and other military stores supplied:—                                                                                            |   |    |    |   |    |       |    |    |    |         |    |    |
| Per claim, see War Office letters:                                                                                                                  |   |    |    |   |    |       |    |    |    |         |    |    |
| 57, 30, 868 - - -                                                                                                                                   | - | -  | -  | - | -  | 2,856 | 17 | 4  |    |         |    |    |
| 57, 30, 1240 - - -                                                                                                                                  | - | -  | -  | - | -  | 1,477 | 12 | 0  |    |         |    |    |
| 57, 30, 1392 - - -                                                                                                                                  | - | -  | -  | - | -  | 1,338 | 2  | 7  |    |         |    |    |
| 57, 30, 1382 - - -                                                                                                                                  | - | -  | -  | - | -  | 73    | 0  | 6  |    |         |    |    |
| 57, 30, 3508 - - -                                                                                                                                  | - | -  | -  | - | -  | 425   | 10 | 1  |    |         |    |    |
|                                                                                                                                                     |   |    |    |   |    | 6,171 | 2  | 6  |    |         |    |    |
| Deduct—Paid by the colony - - - -                                                                                                                   | - | -  | -  | - | -  | 1,338 | 2  | 7  |    |         |    |    |
|                                                                                                                                                     |   |    |    |   |    |       |    |    |    | 4,832   | 19 | 11 |
| Amount advanced 30th September 1861, to Colonial Treasurer as an imprest to pay a colonial allowance to the officers of Her Majesty's ships - - - - | - | -  | -  | - | -  | -     | -  | -  | -  | 5,000   | 0  | 0  |
| Deduct—                                                                                                                                             |   |    |    |   |    |       |    |    |    | 207,367 | 1  | 8  |
| Amount repaid by the colony for secret service money - - -                                                                                          | - | -  | -  | - | -  | -     | -  | -  | -  | 50      | 0  | 0  |
| *Amount due by the colony to 30th September 1862 - - - -                                                                                            | - | -  | -  | - | -  | -     | -  | -  | -  | 207,367 | 1  | 8  |

\* This Amount is exclusive of advances made from the Treasury Chest on account of the hire of the "Tasmanian Maid," "Wonga Wonga," and other Naval Services, the Vouchers for which have been forwarded to the Admiralty.

## STATEMENT of Amount expended in New Zealand on account of road-making.

| Period.                                                                               | Purchase of Animals, Working Pay, and other Expenses. | Provisions, Forage, Fuel, and Light issued by the Commissariat. | TOTAL.      |                       |
|---------------------------------------------------------------------------------------|-------------------------------------------------------|-----------------------------------------------------------------|-------------|-----------------------|
|                                                                                       | £ s. d.                                               | £ s. d.                                                         | £ s. d.     | £ s. d.               |
| 30th December 1861 to 31st January 1862.                                              | 5,729 6 10                                            | †109 16 5                                                       | 5,839 3 3   | †Provisions.          |
| February 1862 - - -                                                                   | 2,383 15 2                                            | 1,156 0 0                                                       | 3,539 15 2  | { Provisions 664 15 8 |
| March 1862 - - - -                                                                    | 2,989 6 7                                             | 1,312 10 5                                                      | 4,301 17 0  | { Forage 481 4 4      |
|                                                                                       |                                                       |                                                                 |             | { Provisions 633 18 6 |
|                                                                                       |                                                       |                                                                 |             | { Forage 678 11 11    |
| Total to 31st March 1862                                                              | 11,102 8 7                                            | 2,578 6 10                                                      | 13,680 15 5 |                       |
| April 1862 - - - -                                                                    | 4,542 13 4                                            | 1,779 11 5                                                      | 6,322 4 9   | { Provisions 726 19 4 |
| May „ - - - -                                                                         | 2,781 13 3                                            | 1,852 4 5                                                       | 4,633 17 8  | { Forage 1,052 12 1   |
| June „ - - - -                                                                        | 2,531 17 4                                            | 4,169 2 3                                                       | 6,700 19 7  | { Provisions 478 9 8  |
| July „ - - - -                                                                        | 1,075 10 5                                            | 2,862 17 3                                                      | 3,938 7 8   | { Forage 1,373 14 9   |
| August „ - - - -                                                                      | 64 6 10                                               | 29 6 8                                                          | 93 13 6     | { Provisions 494 12 6 |
|                                                                                       |                                                       |                                                                 |             | { Forage 3,674 9 9    |
| Total from 1st April to 31st August 1862 - }                                          | 10,996 1 2                                            | 10,693 2 0                                                      | 21,689 3 2  | { Provisions 250 15 8 |
|                                                                                       |                                                       |                                                                 |             | { Forage 2,612 1 7    |
| Deduct—                                                                               |                                                       |                                                                 |             | { Provisions 22 10 6  |
| Estimated Value of animals purchased for road-making purposes and still available - } | 3,990 0 0                                             | - - -                                                           | 3,990 0 0   | { Forage 6 16 2       |
|                                                                                       | 18,108 9 9                                            | 13,271 8 10                                                     | 31,379 18 7 |                       |

New Zealand Government Agency Offices,  
3, Adelaide Place, London Bridge, May 11, 1863.

SIR,

His Grace the Duke of Newcastle having referred me to the War Office for a statement of the amount alleged to be due by the colony of New Zealand to the Imperial Government on account of military operations in the colony, I have the honour to inform you that the Under-Secretary of State



for War has furnished me with an approximate statement accordingly, to 30th September 1862, showing a total charge of 207,317*l.* 1*s.* 8*d.*

A copy of this statement having, as I am informed, been forwarded by the War Office for your information, I enclose for purposes of reference an abstract of the items comprised in it.

Having regard to the fact that this statement is approximate only, being partly based on estimate, and partly consisting of large items which cannot be investigated without reference to the colony, I beg to submit the following remarks, founded on a comparison with other statements furnished to the Colonial Government.

The last statement of the Deputy Commissary General in Auckland, dated 14th November 1862, based upon a statement of Her Majesty's Treasury, contained in a minute from their lordships of 24th May 1862, showing the amount chargeable to 29th October 1861, and brought down by the Deputy Commissary General himself to 30th September 1862, exhibits, when adjusted so as to comprise items of the same nature with the War Office statement, a total of 195,233*l.* 17*s.* 5*d.* I have the honour to enclose an abstract of the statement in this shape.

Another statement, compiled by the Government of New Zealand from accounts furnished from time to time, shows, when dealt with in the same manner, a total of 203,849*l.* 19*s.* 11*d.*, of which I enclose the particulars.

I have to express great regret that the information obtainable in this country does not permit the apparent discrepancies of these three statements to be reconciled; and that, therefore, the exact amount of the Imperial claim against the colony cannot be fixed without a delay which may extend to many months. But the Colonial Government are unwilling to postpone the discharge of whatever may be due by the Colony, if delay can be avoided; and, therefore, I will pass at once to the consideration of the nature of the Colony's liability, for the different items of which the account is composed.

The charge on account of local forces rests upon an undertaking by the Colonial Government, given about the time of the outbreak of War, to repay advances made from the Treasury Chest for the pay, allowances, and rations of militia and volunteers called out for active service.

The gratuity to ships of war was advanced out of the commissariat chest at Auckland, to the order of the Colonial Government, and at their express request.

The capitation charge for troops rests upon an undertaking of the Colonial Government, given in 1858, to pay 5*l.* per year for every officer and man of Her Majesty's troops in the colony.

The charge for field defences, for road making, and for arms and ammunition (except a few items), together with that for transport, if raised, rests upon no promise or guarantee of the Colonial Government, but, it is presumable, on the Imperial view of what is a fair colonial liability.

The charge for barracks, including repairs and extensions, was, I understand, commuted in 1858, in the undertaking to pay 5*l.* a head for Her Majesty's troops.

I have to observe that if the question of what is a fair colonial liability be left open for consideration, the colony may justly claim that the whole account shall be considered on the same principle, and in that case that the guarantee of the Colonial Government, given under severe pressure, without full knowledge, and accompanied by a protest, shall not be made to cover items in themselves not fairly chargeable.

But if the guarantee, formally given by the colony, be insisted upon in all cases as a proof of debt, the colony will be justified in demanding that its liability shall be strictly limited to the items comprised within the terms of its undertaking.

The Colonial Government on their part desire to discharge the whole amount for which it can be shown that the colony has made itself responsible, without urging any claims for reduction, however well grounded. And I venture to assume that Her Majesty's Government will take the same view, inasmuch as the great bulk of their claim will thereby remain undisturbed, and the process of settlement be rendered most easy and rapid.

Assuming the total amount claimed by the Imperial Government at 200,000*l.*, than which sum it cannot be greatly more or less, it will be necessary, in the view now submitted of the colonial liability, to reject the following items:

|                                | £      |
|--------------------------------|--------|
| Field defences, a sum of about | 2,100  |
| Arms and ammunition, about     | 5,700  |
| Barracks, about                | 6,000  |
| Road making, about             | 31,400 |

The colony also claims to have paid, in addition to 1,388*l.* 2*s.* 7*d.* admitted by the War Office, a sum of 850*l.* 14*s.* in cash upon sundry accounts.

In further reduction of the total liability the colony claims to have spent certain sums on the maintenance and repairs of barracks and military buildings, the cost of which by agreement falls upon the Imperial Government, as against the colonial contribution to the troops. No complete colonial statement of these disbursements is in my possession; but I am informed that an estimate of the value of the work done, amounting to some thousands of pounds, can be furnished by the War Office if required.

It appears from the above considerations that the actual liability admitted by the Government of New Zealand, so far as can be ascertained from the approximate statements rendered in this country and in the colony, is not greatly more or less than 150,000*l.*

I have, accordingly, the honour to propose that the sum of 150,000*l.* be taken as the amount of the debt of New Zealand to the Imperial Government, on account of military operations, to the 30th September 1862, to be discharged in accordance with the provisions of the New Zealand Loan Act, 1862.

The Under-Secretary of State, Colonial Office.

I have, &c.  
(Signed) CROSBIE WARD.

## PAPERS RELATING TO PROPOSAL AS TO EXPENSES

NEW  
ZEALAND.

ABSTRACT of statement of amount due by the colony of New Zealand on account of military expenditure to 30th September 1862, rendered by the War Office.

*(Vide Captain Galton's letter of 24th April 1863.)*

|                                                                                     | £       | s. | d. |
|-------------------------------------------------------------------------------------|---------|----|----|
| 1860-1-2—                                                                           |         |    |    |
| 1. Local Forces.—Advances to Paymaster                                              | 64,836  | 6  | 5  |
| "    Clothing, Forage, Field Allowances, Lodging Money, &c.                         | 9,768   | 18 | 11 |
| "    Commissariat Supplies                                                          | 23,158  | 17 | 5  |
| 2. Field Defences.—(No charge raised.)                                              | 97,764  | 2  | 9  |
| 3. Arms and Ammunition                                                              | 6,971   | 2  | 6  |
| 4. Ships of War.—Gratuity paid                                                      | 5,000   | 0  | 0  |
| 5. Transport.—Hire of local Steamers.—(No charge raised.)                           |         |    |    |
| 1858-62—                                                                            |         |    |    |
| 6. Her Majesty's Troops.—Contribution of 5 <i>l.</i> per year per officer and man * | 61,458  | 15 | 0  |
| 7. Barracks.—Building and Repairs                                                   | 6,931   | 5  | 5  |
| 8. Road-making                                                                      | 31,379  | 18 | 7  |
|                                                                                     | 208,705 | 4  | 3  |
| Deduct Cash paid by the Colony                                                      | 1,888   | 2  | 7  |
|                                                                                     | 207,317 | 1  | 8  |

\* Including 7,000*l.* estimated for June quarter 1862.

ABSTRACT of statement furnished from time to time to the Government of New Zealand, adjusted to 30th September 1862.

*(Vide Minute of Colonial Treasurer of New Zealand, accompanying "Loan Act, 1862.")*

|                                                                                     | £       | s. | d. |
|-------------------------------------------------------------------------------------|---------|----|----|
| 1860-1-2—                                                                           |         |    |    |
| 1. Local Forces.—Advances for Pay, and Contingent Expenses to 31st March 1862       | 60,273  | 2  | 9  |
| "    Clothing supplied to do                                                        | 986     | 14 | 4  |
| "    Rations do.                                                                    | 24,896  | 3  | 5  |
| "    Pay and Rations to 30th June 1862                                              | 1,955   | 19 | 6  |
| "    do. 30th September 1862                                                        | 4,241   | 0  | 11 |
| "    Secret Service                                                                 | 50      | 0  | 0  |
|                                                                                     | 92,403  | 0  | 11 |
| 2. Field Defences                                                                   | 2,126   | 0  | 4  |
| 3. Arms and Ammunition                                                              | 5,672   | 4  | 8  |
| 4. Ships of War.—Gratuity paid                                                      | 5,000   | 0  | 0  |
| 5. Transport.—Hire of local Steamers                                                | 16,422  | 2  | 10 |
| 1858-62—                                                                            |         |    |    |
| 6. Her Majesty's Troops.—Contribution of 5 <i>l.</i> per year per officer and man † | 60,337  | 10 | 0  |
| 7. Barracks.—Building and Repairs                                                   | 7,000   | 0  | 0  |
| 8. Road making                                                                      | 31,379  | 18 | 7  |
|                                                                                     | 220,340 | 17 | 4  |
| Deduct—Charge for Transport                                                         | £16,422 | 2  | 10 |
| Excess of Charge for Barracks                                                       | 68      | 14 | 7  |
|                                                                                     | 16,490  | 17 | 5  |
|                                                                                     | 203,849 | 19 | 11 |

† Including 7,000*l.* estimated for June quarter 1862.

STATEMENT of claims by the Imperial Treasury against the Government of New Zealand, to 30th September 1862, furnished by the Deputy Commissary-General, Auckland.

*(Vide letters of 2nd September and 14th November 1862.)*

|                                                                                                | £       | s. | d. |
|------------------------------------------------------------------------------------------------|---------|----|----|
| Amount due to 29th October 1861, as stated in Treasury Minute of 24th May 1862                 | 193,180 | 5  | 6  |
| Local Forces.—Pay, Rations, &c., to 30th June 1862                                             | 17,394  | 4  | 5  |
| "    30th September 1862                                                                       | 4,452   | 4  | 3  |
| Her Majesty's Troops.—Contribution for year to 31st March 1862                                 | 27,718  | 15 | 0  |
| Road-making to 30th June 1862                                                                  | 31,337  | 17 | 5  |
| "    30th September 1862                                                                       | 42      | 1  | 2  |
| Total, as per letter of 14th November 1862                                                     | 274,125 | 7  | 9  |
| Deduct—Error admitted in Treasury Statement                                                    | 69,469  | 7  | 6  |
| "    Hire of Steamers "Wonga Wonga," &c.                                                       | 16,422  | 2  | 10 |
|                                                                                                | 85,891  | 10 | 4  |
|                                                                                                | 188,233 | 17 | 5  |
| Add—Estimated Charge for Troops to 30th June 1862, at 5 <i>l.</i> per officer and man per year | 7,000   | 0  | 0  |
|                                                                                                | 195,233 | 17 | 5  |



SIR,

Downing Street, June 17, 1863.

NEW  
ZEALAND.

IN my letter of the 20th March last I forwarded to you, by desire of the Duke of Newcastle, a copy of a despatch from the Governor of New Zealand, reporting that, in accordance with the wishes of his Responsible Advisers, Mr. Crosbie Ward was proceeding to England to represent the local government upon several important questions.

One of those questions, as the Lords Commissioners of the Treasury will have learnt, was "the final settlement of accounts between the Imperial Government and this colony, arising out of Commissariat advances during the insurrection."

Upon the arrival of Mr. Ward in England, he was, by his Grace's directions, placed in communication with the War Office, for the purpose of examining these accounts, with a view to their ultimate settlement.

I am now to transmit to you, to be laid before the Lords Commissioners, a copy of a letter from the War Office dated the 24th April,\* and a copy of a letter from Mr. Ward, dated the 11th May,† the first showing the result of the examination of the accounts, according to the Secretary of State's view, the second showing the result, according to Mr. Ward's view. \* Page 3. † Page 6.

According to the War Office statement the amount due from the colony up to the 30th September last is 207,317*l.* 1*s.* 8*d.*, exclusive of the sum of 67,927*l.* 5*s.* 9*d.* for advances made several years back for New Zealand Fencibles; and of a sum of 45,001*l.* 10*s.* 8*d.* advanced for the hire of certain colonial vessels and other naval expenses, and which has been repaid to the War Department by the Admiralty; whilst, on the other hand, Mr. Ward puts the total amount due at about 150,000*l.*, exclusive of what is due for the Fencibles.

But it will also be found that, irrespective of a difference of opinion as to what items can or cannot fairly be chargeable against the colony, it is stated both by Captain Galton and Mr. Ward that, under any circumstances, no conclusive account can be rendered without a reference to New Zealand for further information.

In the Duke of Newcastle's opinion such a delay is much to be regretted, and I am, therefore, to submit for the consideration of the Lords Commissioners, whether it may not be possible to arrive at a final settlement by a compromise between the Lords Commissioners on the part of the Imperial Treasury, and Mr. Ward on the part of the Colony. I am, however, to add, that his Grace is not in a position to state whether Mr. Ward is prepared to entertain the question of compromise, as he has not thought it right to communicate with him on the subject, without previous reference to the Lords Commissioners.

I am also to transmit to you, as being closely connected with this question, a copy of an Act passed by the General Legislature of New Zealand, "for raising a loan of 500,000*l.*" under an Imperial guarantee, 200,000*l.* to be devoted, as shown by the schedule attached to the Act, towards "the reinstatement of the settlement and inhabitants of Taranaki," and 300,000*l.* to repay advances from the Imperial Treasury on account of militia and volunteers and other military expenditure, and for the construction of roads and other public works. I am also to transmit a copy of a report upon the Act by Mr. Reader Wood, the present Treasurer of the colony, together with a financial statement made by Mr. Dillon Bell, the late Treasurer, in the House of Representatives, on the 14th August last year.

It will now remain for the Lords Commissioners and the Secretary of State for War, to whom a copy of this will be forwarded, to determine whether a compromise shall be entertained. But the Duke of Newcastle desires me most seriously to impress upon their Lordships and upon Earl de Grey, how desirable it is that a final settlement of the accounts should be completed without further loss of time, and that, having this object in view, a stated sum should be accepted from the colony, which amount could be liquidated from the monies to be raised under the Loan Act, and could be immediately and surely liquidated in no other way.

The Duke of Newcastle is also of opinion that it might be advisable to meet the present claims of the New Zealand Government, rather by the remission of certain disputed claims of long standing, which it may be difficult under existing circumstances to recover, than by any material reduction of the present claim of the War Office.

This recommendation of course implies that the Imperial guarantee should be given for the payment of the interest of the loan. But I am to state that, taking into consideration the financial condition of the colony, which cannot be considered otherwise than satisfactory, the Duke of Newcastle feels no hesitation in recommending that this guarantee should be given, and that the necessary bill should be submitted to Parliament for this purpose during the present session.

G. A. Hamilton, Esq.  
&c. &c. &c.

I have, &c.,  
(Signed) F. ROGERS.

SIR,

Treasury Chambers, July 16, 1863.

I AM commanded by the Lords Commissioners of Her Majesty's Treasury to request that you will state to the Duke of Newcastle that, under the circumstances stated in your letter of the 17th ultimo, they will not object to the introduction of a bill into the House of Commons to authorize the guarantee by the Imperial Government of a loan of 500,000*l.*, proposed to be raised by the Colonial Government of New Zealand.

Their lordships deem it necessary to state, with reference to the opinion expressed by his Grace in your letter, that a final settlement of the accounts between the Imperial and Colonial Governments should be completed without loss of time, and a stated sum accepted from the colony payable out of the moneys to be raised under the Loan Act, that they would not feel warranted in accepting the offer made by Mr. Crosbie Ward, the agent for New Zealand, in his letter of the 11th May, of the

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ZEALAND.

sum of 150,000*l.* in liquidation of the debt of New Zealand to the Imperial Government on account of military operations to the 30th September 1862.

According to the view of the War Department, there is a claim of 207,317*l.* 1*s.* 8*d.* as the nearest approximation of the sum due by the colony up to 30th September 1862 that can be arrived at without further reference to the colony, on account of expenses arising out of the recent native rebellion.

There is also a claim, amounting to 67,927*l.* 5*s.* 9*d.*, for advances made several years ago in respect of the New Zealand Fencibles; and a sum of 45,001*l.* 10*s.* 8*d.*, due for hire of vessels and naval expenses.

Their lordships will be quite ready to enter into a full consideration of any particulars connected with these claims, but they must require, as a condition precedent to the proposed guarantee being actually given by this Board, that such sum, as after further consideration they shall decide to be due by the colony in respect of these three items, shall be paid out of the moneys to be raised by the loan under the Imperial guarantee.

Their lordships would have preferred that the amount to be so paid should be fixed positively in the Act of Parliament; but as the period of the session does not admit of any delay in the introduction of the Bill, this cannot be done, and they therefore will only observe at the present time that they do not expect that a less sum than 200,000*l.*, or possibly than 250,000*l.*, will satisfy the fair claims upon the colony in respect of the advances that have been made for the service of the colony out of Imperial funds.

Sir F. Rogers, Bart.,  
&c. &c. &c.

I am, &c.,  
(Signed) F. PELL.

SIR,

Downing Street, 16th July 1863.

I AM directed by the Duke of Newcastle to acknowledge the receipt of your letter of the 11th May last, reporting the result of your communications with the War Department with reference to a settlement of the amounts due to the Imperial Treasury by the colony of New Zealand on account of military operations there. His Grace has also received from the War Department a copy of the letter addressed to you by Earl de Grey's desire on the 24th April last.

It appears from the statement received from the War Department that the amount due from the colony up to the 30th September last was 207,317*l.* 1*s.* 8*d.*, exclusive of a sum of 67,927*l.* 5*s.* 9*d.* for advances on account of New Zealand Fencibles, and a sum of 45,001*l.* 10*s.* 8*d.* advanced for the hire of certain colonial vessels.

On the other hand you state that the sum of 207,317*l.* 1*s.* 8*d.* ought to be diminished by omitting certain items which, in your opinion, are not properly chargeable against the colony. And you propose that the sum of 150,000*l.* should be taken as the amount of the debt to be discharged in accordance with the provisions of the New Zealand Loan Act of 1862.

It is also stated by the Secretary of State for War, and by yourself, that irrespective of the difference of opinion as to what items can or cannot fairly be chargeable against the colony, no conclusive account could under any circumstances be rendered without a reference to the colony.

In the opinion of the Duke of Newcastle, such a delay was greatly to be regretted, and he accordingly suggested to the Lords Commissioners of the Treasury whether by avoiding all matter of detail some arrangement might not be arrived at with you, having for its object a final settlement of all outstanding Imperial claims against the colony.

I am now to acquaint you that the Duke of Newcastle would be prepared on behalf of Her Majesty's Government to accept a sum of 200,000*l.* in satisfaction of all Imperial claims, in respect to military and naval expenditure, up to the 30th September last, to be paid for out of the 500,000*l.* to be raised by loan under the Imperial guarantee, and that upon your immediately making known your acceptance of this proposal Her Majesty's Government will lose no time in submitting a bill to Parliament authorizing the raising of the above sum (500,000*l.*) under an Imperial guarantee.

Crosbie Ward, Esq.,  
&c. &c. &c.

I am, &c.,  
(Signed) F. ROGERS.

SIR,

New Zealand Agency Offices,

3 Adelaide Place, London Bridge, E.C., 17th July 1863.

I HAVE to acknowledge the receipt of your letter of the 16th instant, in which you acquaint me that his Grace the Duke of Newcastle, having considered my letter of the 11th May last, and that of the Under Secretary of State for War, of the 24th April last, on the subject of the claims of Her Majesty's Government against the colony of New Zealand, in respect of naval and military expenditure, has suggested to the Lords Commissioners of the Treasury whether some arrangement might not be arrived at, having for its object a final settlement of all outstanding Imperial claims against the colony; and that his Grace would be prepared, on behalf of Her Majesty's Government, to accept a sum of 200,000*l.*, in satisfaction of all such claims, up to the 30th September last, to be paid out of the 500,000*l.* to be raised by loan under the Imperial guarantee; and further, that, upon my immediately making known my acceptance of this proposal, Her Majesty's Government will lose no time in submitting a bill to Parliament, authorizing the raising of such loan under an Imperial guarantee.

If the proposal now made were to be understood as a waiver of all claims upon the colony, except for military assistance rendered since the native outbreak in New Zealand in the year 1860, I



should reply that the sum named exceeds that which the colony admits as properly chargeable for such assistance by an amount so important to the colony as to oblige me, on its behalf, to decline the proposal.

But the proposal, as stated, embraces the settlement of all Imperial claims in respect to military and naval expenditure up to 30th September 1862, among which claims that for the balance of expenses incurred many years ago in locating the New Zealand Fencible Force appears as a very important item. Viewed in this light, the proposal must be characterized as one of liberality on the part of Her Majesty's Government.

But I regret to say that I am prevented from entertaining any proposal for discharging the last-mentioned claim, since it has never yet been submitted for the consideration of the General Assembly of New Zealand. From the year 1853, when the charge was raised against the colony in an incomplete state, and before the General Assembly was constituted, the claim dropped out of sight until just previous to the last session of that body, when a despatch from his Grace raised the question again, but too late, considering the circumstances of the time, for its proper consideration in that session. No legal appropriation, therefore, having yet been made for the discharge of this claim, I am unable to do more than receive from Her Majesty's Government any proposal which they may be pleased to make for its separate settlement, and to undertake that any such proposal, or, in the absence of any new proposal, the claim as it has already been raised, shall be submitted to the General Assembly of the colony at the earliest opportunity; and Her Majesty's Government have, doubtless, full confidence that the General Assembly will promptly and fully discharge any liability which fairly rests upon the colony. I am to be understood, however, as not pledging the Government of New Zealand to any particular recommendation with regard to this claim.

In addition, I have to point out that the claim in question is not of that kind for the discharge of which the colony has deemed it right to request the guarantee of Her Majesty's Government to the proposed loan, and that to pay so large a sum out of the proceeds of the loan for such a purpose would have the effect of materially diminishing the amount applicable to those requirements which, springing out of the native insurrection, are declared to be the legitimate objects to which the moneys borrowed may be devoted.

The proposal now authorized by his Grace the Duke of Newcastle, and that which I had the honour to make in my letter of the 11th May last, are, I venture to submit, materially the same. The objection now raised to the former is one, not of principle, but of legal form. I trust, therefore, that his Grace will consent to treat the liability of the colony for military assistance rendered during the native insurrection as a separate debt to the Imperial Government, taken at the round sum of 150,000*l.*, to be paid as proposed by his Grace, leaving the claim for the sum of 67,927*l.* 5*s.* 9*d.*, for the location of the New Zealand Fencible Force to be a distinct charge, untouched in the present settlement.

I beg that you will convey to his Grace an assurance of the sincere regret which the Government of New Zealand will feel that, in submitting the immediate answer which his Grace has required to his proposal, I have been unable to suggest a final settlement of all the claims raised by the Imperial Government against the colony.

I have, &c.,  
(Signed) CROSBIE WARD.

Sir F. Rogers, Bart.,  
Colonial Office, Downing Street.

New Zealand Government Agency,  
3, Adelaide Place, King William Street, E.C., July 18, 1863.

SIR, REFERRING to my letter of yesterday, and to the conversation which took place between Mr. Chichester Fortescue and myself, on the subject of the settlement of Imperial claims against the colony of New Zealand, I desire to draw the attention of Her Majesty's Government to certain further considerations which appear to me to be of great importance.

A proposal has been made to me on behalf of the colony to pay the sum of 200,000*l.* in liquidation of all claims of the Imperial Government, in respect of naval and military expenditure, to the 30th September 1862. Being unable to deal with these claims as a whole, I have proposed to pay the sum of 150,000*l.* in respect of the claim arising out of the native insurrection, and to refer the principal remaining claim, being that for the location of the pensioner force, and nominally amounting to the sum of 67,927*l.* 5*s.* 9*d.*, to the General Assembly of the colony, by whom it has never yet been considered.

This proposal has been declined, and I am informed that the sum of 150,000*l.* is insufficient to satisfy the claim of Her Majesty's Government for military assistance rendered to the colony during the native insurrections. Under these circumstances I desire to remind the Government what the nature of that claim really is.

The detailed account rendered by the War Office comprises two classes of items charged against the colony, one class being based on the ground of a technical liability, such as an undertaking or engagement entered into by the colony, the other on that of a fair and reasonable responsibility evident in the nature of the items themselves. Taking each set of items separately, the sum of the former is in round figures 150,000*l.*, that of the latter considerably less. I have tendered payment on behalf of the colony of the larger amount, on account of the greater simplicity of the examination into this class of items, and also because, owing to the severity of the language addressed by Her Majesty's Government to the colony on the subject, I desired to avoid, as far as possible, any discussion upon the propriety of the various charges.

The colony is, I submit, more than justified in taking the present course, since many of the items of account which rest on the ground of technical liability cannot be alleged to be in themselves fairly and reasonably chargeable; but may rather be said to appear in the account by a species of accident; that is to say, the colony urges that the sum of 150,000*l.*, on whatever account it may be computed, does in effect more than cover all the charges for which it can be held honourably liable.

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The largest item among those to which allusion has been made is the contribution of 5*l.* a year per officer and man to the pay of Her Majesty's troops in the colony. The claim on account of this item amounts to about 61,000*l.* The arrangement to pay a contribution at the rate named was made in the year 1858, in time of peace, and had reference to the peace establishment of the garrison, consisting of one regiment of the line. However reasonable this arrangement might have been at the time, it was one which obviously was inapplicable to a period of protracted war. That rate of contribution which was proportioned to the circumstances of the colony when the number of soldiers was small became utterly disproportionate when the number of soldiers had increased sevenfold. It is fair to urge that in this case, as in any other, a total and unexpected change of the circumstances under which the agreement had been made practically annulled it; and the change was in effect notified by the colony, when the resolution was taken by the House of Representatives to assist the Imperial Government in prosecuting its designs to the extent of the resources of the colony. This is what the Imperial Government has a right to require; and this is practically what the colony has done, and is prepared to do.

The employment of force against the insurgent natives of New Zealand in 1860-61 was, at least, in a great measure determined on by the Imperial Government, rendered necessary by Imperial policy, and directed against a race under the immediate control of the Imperial authorities. Whatever part the colonists may have taken in bringing about the war, Her Majesty's Government must admit that a large share of responsibility rests upon itself. The Imperial Government was not a mere ally of the colony, rendering a limited amount of assistance upon stated terms. It was a principal in the matter; not only as holding the natural attitude of a mother country towards a dependency, but as being itself mainly concerned in and answerable for the issue. Under these circumstances, I submit that Her Majesty's Government is bound to consider, not what remuneration for the employment of its troops it can obtain from the colony, nor what portion of its own expenditure it can recover; but what is the fair and reasonable expense which each party may be expected to bear as its share of the whole cost of the war.

The cost to New Zealand of the war already reaches a round sum of 500,000*l.* This sum includes only extra expenses entailed upon the colony directly by the war, and might be largely swollen by a number of expenses which spring indirectly from the same cause. The charge of 500,000*l.* in the shape of a debt upon the resources of a population of 100,000 persons, paying taxes to the State at the rate of about 4*l.* per head per year, will appear of its proper magnitude if it be compared, after making all due allowances, with the expenditure of the United Kingdom for similar purposes. Thus compared, it represents an amount of above one hundred millions sterling. In addition to this enormous burden, the colony is prepared to pay to Her Majesty's Government the sum of 150,000*l.*, and the offer to do so is declined as insufficient.

I now respectfully entreat Her Majesty's Government to reconsider their determination. I have endeavoured to show that the sum of 150,000*l.* is, first, not less than the amount which is fairly chargeable on the colony, and, secondly, the extreme amount which its resources enable it to pay without serious injury. I submit that the colony cannot, in justice to itself, incur the additional liability which is sought to be imposed upon it; and that therefore the offer of payment which I have had the honour to make, and now repeat on its behalf, is one which Her Majesty's Government may honourably accept.

The Under Secretary of State for the Colonies.

I have, &c.  
(Signed) CROSBIE WARD.

No. 2.

No. 2.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor Sir GEORGE GREY, K.C.B.

(No. 121.)

SIR,

Downing Street, December 26, 1863.

I INFORMED you in my Despatch of the 27th of July\* that I should recommend to the Lords of the Treasury that a Bill should be introduced during the next session of Parliament, authorizing Her Majesty's Government to guarantee a loan of 500,000*l.* to be contracted by the New Zealand Government, on condition that 200,000*l.* of that sum should be paid to the Imperial Government in satisfaction of all claims of the Imperial Government on account of military operations up to the 30th September 1862, and of an old claim of 67,927*l.* in connexion with the New Zealand Fencibles.

To this proposal their Lordships have now assented, on the understanding that the colonists are now paying for all expenses of the volunteers, militia, and other local corps, which I am glad to learn (though not as yet from your official Despatches) the people and Government of New Zealand have shown so much spirit and energy in raising, and that provision will be made immediately on the meeting of the New Zealand Legislature for repaying the more recent advance of 12,000*l.* a month from the Treasury Chest (of which you apprised me in your Despatch of the 22d of August), with interest at the rate of four per cent. per annum on all such advances which are allowed to remain unliquidated for more than three months.



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I shall hope to receive the assent of your Government to these proposals as soon as possible.

At the same time their Lordships have addressed to me various questions respecting the circumstances under which the above monthly advances were made, to which your Despatches do not furnish any answer.

They desire to know whether, when the necessity of providing further funds became apparent, the Assembly was summoned for the earliest practicable day; whether, when the previous Assembly was prorogued, there was reason to believe that an emergency of this kind to a greater or smaller extent would arise; and if this was the case, whether provision was made to meet it, such as to reasonable persons would at the time have appeared sufficient; and, if it was not made, what means were taken by you to impress on the Assembly the necessity of making it.

They are also desirous of knowing whether any provincial funds, and what amount, were within reach and available for the purpose of at least making advances to the general government at the time when advances from the Treasury Chest were applied for and obtained; and whether those who had charge of the provincial revenues were called upon, and with what effect, to apply them to the pressing services of the colony. I need hardly observe that this question has a peculiar application to those provinces who are most affected by the existence and concerned in the results of the present war.

I have to request that you will furnish me with such a report as will enable me to give a full and explicit answer to these questions.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) NEWCASTLE.

No. 3.

No. 3.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G

(No. 157.)

Government House, Auckland, November 7, 1863.

Memorandum  
by Colonial  
Treasurer,  
Oct. 1863.

The Asst. Mil.  
Secretary to the  
Private Secre-  
tary,  
Nov. 6, 1863.

Sir G. Grey to  
Lt.-Gen.  
Cameron, C.B.,  
Nov. 7, 1863.  
Lt.-Gen.  
Cameron, C.B.,  
to Sir G. Grey,  
Nov. 7, 1863.

MY LORD DUKE,

(Received January 9, 1864.)

I HAVE the honour to transmit, for your Grace's information, copies of a correspondence relating to the terms under which an advance not exceeding in the whole 150,000*l.* is to be made to the Colonial Government from the Treasury Chest, to enable them to continue to make provision for the safety of the settlements in the Northern Island of New Zealand.

2. The whole sum thus borrowed will be expended on strictly military objects connected with the defence of Her Majesty's New Zealand possessions, and will be repaid in London within six months from the date of the advance, the General Assembly being now engaged in making provision for this purpose.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Enclosure 1 in No. 3.

MEMORANDUM for his Excellency the Governor.

Encl. 1 in  
No. 3.

Ministers beg to suggest to the Governor the advisability of making the following financial arrangement:—

The Commissariat has relieved the Treasury from the strain arising from the war expenditure now going on, by advances since August last, at the rate of 12,000*l.* per month; in addition to this, the Bank of New Zealand has advanced, at some inconvenience to itself, a sum of about 43,000*l.* It is now proposed, until the General Assembly, which is in session, has made provision for the war expenditure, that the Commissariat should advance temporarily to the Treasury the sum of 100,000*l.* It is probable that in less than three months the Colony will be in a position to repay this and all the advances made by the Commissariat, and be able to carry on the war expenditure without any further assistance.

(Signed) READER WOOD,

Treasury, October 1863.

Enclosure 2 in No. 3.

Encl. 2 in  
No. 3.

SIR,

Head Quarters, Queen's Redoubt, November 6, 1863.

WITH reference to a memorandum from Ministers to his Excellency the Governor, proposing an advance from the Commissariat of 100,000*l.*, on the probability of a repayment being made by the

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Colony in three months, I am directed by the Lieut.-General Commanding to forward the accompanying copy of a letter from Deputy Commissary General Jones, C.B., for the consideration of the Government.

The Private Secretary, Government House.

I have, &c.  
(Signed) W. J. HUTCHINS,  
Lieut.-Col., Asst. Military Secretary.

SIR,

Commissariat, Auckland, October 31, 1863.

I HAVE the honour to acknowledge the receipt of your letter, No. 3133, of the 30th instant, directing me to advance the sum of 100,000*l.* to the Colonial Government, under the mere probability of its being repaid in three months.

I venture to suggest that you will draw the Lieut.-General's attention to the instructions from the Secretary of State for the Colonies, under date 23d September 1862, in which such advances are ordered not to be made, "except for military purposes, under urgent and unforeseen circumstances."

The memorandum of Ministers is not definite upon the urgency of this demand, or the purposes for which it is required; and with reference to the enclosures of your letter of the 17th August last, the monthly loan of 12,000*l.* was solicited upon the understanding that these advances should be provided for soon after the meeting of the General Assembly.

It now, however, appears, that in place of paying off the 36,000*l.* already advanced, a very much larger amount is demanded, and no distinct provision for any repayment yet made.

I therefore venture to submit for the Lieut.-General's consideration, whether it would not be well, before making this large advance, that some decided step should be taken by the Colonial Government towards providing for the repayment of these advances.

I would also further suggest, that some understanding be arrived at respecting any future demands, as I can scarcely suppose that the Lords Commissioners of Her Majesty's Treasury will approve of a continuance of such large loans, especially as those incurred during the late war have not yet been liquidated.

I also beg to refer to the articles upon page 183 of the Commissariat Regulations, where the proper course is defined to meet the expenses of temporary levies when necessarily raised in times of war or rebellion. Were those instructions acted upon these loans would be unnecessary, and the sums only which are actually requisite would be expended; but at present there is no check or apparent limit to the expenditure, nor the appropriation of the loans to the purpose for which they were granted.

The Assistant Military Secretary,  
Head Quarters, Queen's Redoubt.

I have, &c.  
(Signed) H. STANLEY JONES,  
Deputy Commissary General.

Encl. 3 in  
No. 3.

Enclosure 3 in No. 3.

SIR,

Government House, Auckland, November 7, 1863.

IN reply to your letter of the 6th instant, I have the honour to state, that upon conferring with my responsible advisers I am assured by them that in order to provide for the safety of the settlements in the Northern Island of New Zealand it is indispensable that they should obtain from the Treasury Chest a loan not exceeding in the whole a sum of 150,000*l.*

They authorize me to state, that although they only at this moment require the sum of 100,000*l.*, they will not ask for any larger advance than a further sum of 50,000*l.*; that the whole sum borrowed shall be expended on strictly military objects, for the defence of Her Majesty's possessions; and that the whole amount shall be repaid in London, within six months from the date of the advance, from the proceeds of the loan which they are now obtaining the authority of the General Assembly to raise.

The Honourable Lieut.-Gen. Cameron, C.B.,  
Commanding the Troops.

I have, &c.  
(Signed) G. GREY.

Encl. 4 in  
No. 3.

Enclosure 4 in No. 3.

SIR,

Head Quarters, Auckland, November 7, 1863.

I do myself the honour to acknowledge the receipt of your letter of this date, and in reply have to acquaint your Excellency that the Deputy Commissary General has been instructed to make the advance solicited from the Treasury Chest in his charge, for the purpose specified.

His Excellency the Governor,  
&c. &c. &c.

I have, &c.  
(Signed) D. A. CAMERON,  
Lieut.-General.

No. 4.

No. 4.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 1.)

Government House, Auckland, January 4, 1864.

MY LORD DUKE,

(Received March 14, 1864.)

I HAVE the honour to transmit the copy of a Memorandum I have received from my Responsible Advisers, requesting me to inform your Grace that Mr. Reader Wood, the

Dec. 28, 1863.



Colonial Treasurer, is about to proceed to England for the purpose of negotiating the loan authorized by the Legislature during the late session, and on other business connected with the Colony, and that he will be prepared to furnish your Grace with any information that may be required by the Imperial Government on the subject of the proposed guarantee to the loan.

In accordance with the wishes of my responsible advisers, I have assented to Mr. Reader Wood's proceeding to England to perform these duties. I beg further to state, that the Colonial Ministers are of opinion that Mr. Wood is in all respects qualified to acquaint your Grace, whenever you may require him to do so, with the views and opinions of the present Government of New Zealand on the state of this country and its requirements. For my own part I am quite satisfied that Mr. Reader Wood's large experience of New Zealand will enable him to afford your Grace much valuable information upon all questions connected with its interests.

His Grace the Duke of Newcastle, K.G.,  
&c.      &c.      &c.

I have, &c.  
(Signed) G. GREY.

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Enclosure in No. 4.

Encl. in No. 4.

Ministers would be much obliged by his Excellency informing his Grace the Duke of Newcastle by the outgoing mail that Mr. Reader Wood, the Colonial Treasurer, is about to proceed to England for the purpose of negotiating the loan authorized by the Legislature during the late session, and on other business connected with the Colony, and that he will be prepared to furnish the Duke with any information that may be required by the Imperial Government on the subject of the proposed guarantee to the loan.

Auckland, 28th December 1863.

(Signed) FREDERICK WHITTAKER.

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No. 5.

No. 5.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to  
Governor Sir GEORGE GREY, K.C.B.

(No. 65.)

SIR,      Downing Street, May 26, 1864.

I INFORMED you in my Despatch No. 43,\* of 26th April last, that I should request the Law Officers of the Crown to furnish me with their opinion respecting the competency of the New Zealand Legislature to pass the two Acts, No. 7, the Suppression of Rebellion Act, 1863, and No. 8, the New Zealand Settlements Act, 1863.

\* Vide Ho. Com. Paper No. 326. of 1864, page 47.

This I have done, and I am advised that there is in their judgment no reason to doubt the legality of the former of the two Acts, and that the only reason for questioning the legality of the latter arises from its repugnancy to the third section of the Imperial Loan Guarantee Act, 20 & 21 Vict. c. 51. I intend to submit to Parliament, in connexion with the contemplated loan, a provision calculated to remove this doubt.

I enclose to you the copy of a letter which by my desire has been addressed to Mr. Reader Wood, and which will explain to you the views of Her Majesty's Government in respect to the proposed guaranteed loan.

I am only induced to make this offer to Mr. Reader Wood in the full conviction that the recent military successes, improved by a just and temperate policy on your part, will lead to a speedy and permanent pacification of the Northern Island.

I have stated to Mr. Reader Wood that his acceptance of this proposal will be regarded by Her Majesty's Government as conveying on his own part and that of his colleagues an assurance of their desire cordially to co-operate with you in a just and temperate policy towards the native race. On the part of Her Majesty's Government I need not repeat the instructions which were fully conveyed to you in my Dispatch No. 43, of 26th April last.

I entirely anticipate that your Ministers will be animated by a just sense of the exertions and sacrifices which have already been made by the mother country for the Colony, and that on colonial grounds they will be as anxious as you can be yourself to terminate the present hostilities. But it is my duty to say to you plainly that, if unfortunately their opinion should be different from your own as to the terms of peace, Her Majesty's Government expect you to act upon your own judgment, and to state to your Ministers explicitly that an army of 10,000 English troops has been placed

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at your disposal for objects of great Imperial concern, and not for the attainment of any merely local object; that your responsibility to the Crown is paramount; and that you will not continue the expenditure of blood and treasure longer than is absolutely necessary for the establishment of a just and enduring peace.

I have, &c.

Sir George Grey, K.C.B.,  
&c. &c. &c.

(Signed) EDWARD CARDWELL.

No. 6.

No. 6.

COPY of a LETTER from Sir FREDERIC ROGERS, Bart., to G. A. HAMILTON, Esq.

SIR,

Downing Street, June 2, 1864.

WITH reference to your letter of the 19th December last, signifying the willingness of the Lords Commissioners of the Treasury to submit a Bill to Parliament for guaranteeing a loan of 500,000*l.* to the Colony of New Zealand, to enable them to meet some of the heavy charges which had fallen upon the Colonial resources from the war with the natives, I am now directed by Mr. Secretary Cardwell to request that you will lay before their Lordships this present communication, with its enclosures, as setting forth the grounds on which he is prepared to recommend that the amount thus proposed to be guaranteed should be extended to the sum of 1,000,000*l.*

The Lords Commissioners are of course aware that since July last, when the loan of 500,000*l.* was in contemplation, hostilities with the natives have been renewed, and that Sir George Grey has found himself compelled to adopt the most vigorous and energetic measures for the prosecution of the war, and that the consequences have been such as to entail a heavy expenditure on the Imperial and Colonial revenues.

Although it is hoped that the measures adopted by Sir George Grey, and carried on with the able assistance of Lieutenant-General Sir D. Cameron, will bring about an early termination of the war, and place upon a better footing our future relations with the natives, the charges upon the Colonial revenues up to the present time, and those which are still unavoidable, has been and will be so large as to allow of their payment by no other means than by having recourse to a loan.

I am now to request that you will lay before the Lords Commissioners, for their information, and with a view to enabling them to decide upon the proposed loan of 1,000,000*l.*, the following papers:—

1. Copy of a \* Despatch from Sir George Grey, submitting the following Acts passed by the Legislature of New Zealand: No. 7., for the Suppression of the Rebellion; No. 8., to establish Settlements for the Colonization of the Northern Island; No. 11., for raising a loan of 3,000,000*l.*; No. 12., to appropriate certain sums raised under the Loan Act, No. 11.

2. Copy of a † Despatch from Mr. Cardwell, dated the 26th April, making known to Sir George Grey the opinion he had formed on these important measures.

3. Copy of a ‡ Despatch from Sir George Grey, introducing Mr. Reader Wood, the Treasurer of New Zealand, who was proceeding to England on matters connected with the loan.

4. Copy of a Letter from Mr. Reader Wood, dated the 24th May, showing that the financial capabilities of the Colony are sufficient to meet its current expenditure and provide for the interest and sinking fund of the loan.

5. Copy of a Letter addressed to Mr. Reader Wood, on the 26th May, by Mr. Cardwell's desire, setting forth the conditions on which he is prepared to recommend that a loan of 1,000,000*l.* should be guaranteed by this country.

6. Copy of a § Despatch from Mr. Cardwell to Sir George Grey, dated 26th May, forwarding a copy of the letter addressed to Mr. Reader Wood on that day.

7. Copy of Mr. Wood's reply to letter of 26th May.

Mr. Cardwell feels that the papers transmitted afford such complete information that it is not necessary for him to add any observations of his own, and that he need do no more than direct the attention of the Lords Commissioners more immediately to his Despatch to Sir George Grey and to the letter to Mr. Wood.

The proposal now submitted may, however, be shortly stated as follows:

1. That the Imperial guarantee should be extended to a loan of 1,000,000*l.*

2. That the amount due to the Imperial Treasury, calculated, so far as appears at present, at somewhat less than 500,000*l.*, should be repaid out of the loan.

\* This Despatch and Acts are printed in Ho. Com. Paper No. 326. of 1864, page 22.

† Vide same papers, page 47.

‡ No. 1., Jan. 4, 1864, will be found printed at page 14.

§ No. 65., May 26, 1864, will be found printed at page 15.



And that, as regards the future charge on the Home Treasury for military expenditure, there shall be a prospective increase of Colonial contribution as stated in the letter to Mr. Wood, namely, as follows:

1. That one regiment shall be supplied to New Zealand without cost.
2. That in consideration of this regiment the Colonial Government shall continue to apply 50,000*l.* a year to native purposes.
3. That on all troops beyond this regiment New Zealand shall pay to the Imperial Treasury the same contribution as that which it is proposed that the Australian Colonies shall pay, viz. 40*l.* per annum a head on infantry and 55*l.* on artillery.
4. That New Zealand shall not pay upon more than 4,000 men in the year 1865.

I have, &c.

(Signed) F. ROGERS.

G. A. Hamilton, Esq.  
&c. &c. &c.

Enclosure 1. in No. 6.

Encl. 1 in  
No. 6.

Westminster Palace Hotel, London,  
May 24, 1864.

SIR, In compliance with your request, that I should state to you in writing the nature of the security the Government of New Zealand has to offer for the loan which it is proposed to contract, I beg to lay before you the following statement of the actual ordinary revenue and expenditure of the Colony for the financial year which ended June 30, 1863. The ordinary revenue is the security offered for the loan.

| RECEIPTS.             |         |    |    | EXPENDITURE.                                         |         |    |    |
|-----------------------|---------|----|----|------------------------------------------------------|---------|----|----|
|                       | £       | s. | d. |                                                      | £       | s. | d. |
| Customs               | 489,150 | 0  | 0  | Civil list                                           | 25,000  | 0  | 0  |
| Postal                | 26,861  | 0  | 0  | Permanent charges                                    | 79,000  | 0  | 0  |
| Judicial              | 19,177  | 0  | 0  | Conduct of government, generally charged             | 91,912  | 0  | 0  |
| Registration of deeds | 6,769   | 0  | 0  | Conduct of government, provincially charged          | 94,755  | 0  | 0  |
| Miscellaneous         | 8,006   | 0  | 0  | Surplus paid to provinces and otherwise appropriated | 259,296 | 0  | 0  |
|                       | 549,963 | 0  | 0  |                                                      | 549,963 | 0  | 0  |

I beg also to lay before you the estimated receipts and expenditure of the current financial year ending June 30, 1864.

| RECEIPTS.         |         |    |    | EXPENDITURE.                                |         |    |    |
|-------------------|---------|----|----|---------------------------------------------|---------|----|----|
|                   | £       | s. | d. |                                             | £       | s. | d. |
| Customs           | 603,600 | 0  | 0  | Civil list                                  | 27,500  | 0  | 0  |
| Postal            | 40,000  | 0  | 0  | Permanent charges                           | 130,490 | 0  | 0  |
| Judicial          | 25,000  | 0  | 0  | Conduct of government, generally charged    | 167,400 | 0  | 0  |
| Registration fees | 12,000  | 0  | 0  | Conduct of government, provincially charged | 151,400 | 0  | 0  |
| Miscellaneous     | 11,000  | 0  | 0  | Surplus for distribution to provinces       | 214,810 | 0  | 0  |
|                   | 691,600 | 0  | 0  |                                             | 691,600 | 0  | 0  |

From this it will be seen that after the expenses of the General Government have been defrayed there remains a surplus of upwards of 200,000*l.*

I may state for your information that the revenue for the current year is received at a rate considerably beyond the amount at which it was estimated, and there can be no question that, maintaining the present system of appropriation, and continuing to pay to the Provincial Governments the proportion of the customs revenue which has hitherto been annually set apart for their use, there will be, for future financial years, an ample surplus to cover the interest and sinking fund of the loan.

The rate at which the New Zealand revenue has increased during the last few years is as follows:—Prior to the year 1860–61 the ordinary increase of the revenue varied from 10 to 16 per cent.; the year 1861–62 (the year of the gold discoveries) showed an increase of 65 per cent. over the previous year, 1862–63, of 44 per cent.; and 1863–64 is showing an increase at the rate of 30 per cent.

The general progress and advancement of New Zealand may be shown by the following statistics:—On December 31, 1860, the population of the Colony was 83,919; on December 31, 1862, it was 133,114, being an increase of nearly 60 per cent.

In the year 1860, 140,276 tons of shipping entered inwards; in the year 1862, 301,000 tons entered inwards, being an increase of 114 per cent.

In 1860 the value of the imports was 1,548,333*l.*; in 1862 the value was 4,626,082*l.*

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In 1860 the value of the exports amounted to 588,000*l.*, and in 1862 to 2,422,734*l.*

The value of the gold exported from the colony to December 31, 1862, was 4,377,708*l.*

The value of wool exported in 1860 was 444,392*l.*; in 1862 it was 674,226*l.*

In 1860 the total amount of deposits in the banks in the Colony was 660,000*l.*, and in 1863 on the 30th September the deposits amounted to 2,171,165*l.*

I think these statements exhibit elements of prosperity which afford a perfect security for the loan which it is proposed to raise.

The Right Honourable  
the Secretary of State for the Colonies,  
&c. &c. &c.

I have, &c.  
(Signed) READER WOOD.

Encl. 2 in  
No. 6.

Enclosure 2. in No. 6.

SIR,

Downing Street, May 26, 1864.

I HAVE the honour to inform you, that Mr. Secretary Cardwell has considered the application which, as Finance Minister of the New Zealand Government, you have made to him, viz., that he will propose to Parliament that the intended loan of three millions, authorized by the recent Act of the New Zealand Assembly, should be raised with the assistance of an Imperial guarantee.

Mr. Cardwell has desired me to express his regret that he cannot undertake to make to Parliament any such proposal, nor does he think that such a proposal could be made with any prospect of its being approved and adopted by Parliament. He is fully prepared, however, to consider the claims of the Colony to a guarantee of less amount.

\* Vide page 12.

In a \*Despatch addressed to Sir George Grey on the 26th of December last, the Duke of Newcastle expressed his readiness, on the conditions there set forth, to submit again to Parliament the proposal for a guaranteed loan of 500,000*l.* which had been already submitted towards the close of the previous session, but had been withdrawn because Mr. Crosbie Ward, then acting for the Colony, had not determined on accepting the terms offered till the opportunity for legislation had been lost. Since it appears to be the wish of the Colony that this arrangement should proceed, and certainly the altered circumstances do not enable the Colony to dispense with any assistance which it required when that Bill was introduced into the House of Commons, the Secretary of State is still ready to proceed with it, at your request.

The arrangement as then made provided for a payment to the Treasury of a sum of 200,000*l.*, which was to cover the amount of debt then due to the Home Government. But the terms on which the Lords of the Treasury were prepared to concur comprised a stipulation that provision should be at once made for repaying all advances from the Treasury Chest, with interest at the rate of four per cent. on such as had remained unliquidated for more than three months. It now appears that advances have been made, either in money or in arms and stores, amounting to somewhat short of 300,000*l.*, and thus raising the total debt to the Treasury to a sum approaching 500,000*l.*

If Her Majesty's Government are to submit to Parliament a proposal for aiding the Colony by an Imperial guarantee, the first condition will be that out of the money so borrowed by the Colony the whole debt due to the mother country shall in the first instance be discharged. It is evident, therefore, that if the guarantee be limited to five hundred thousand pounds, so large a portion will be absorbed by the debt to the Treasury that scarcely anything will remain to be applied either to the other purposes contemplated in the original Bill, or to the liquidation of the great subsequent expenses which have been or will be incurred by the Colony. It is estimated by you that those expenses up to the end of the present year will amount to nearly eleven hundred thousand pounds, or, excluding the debt to the Home Government, to nearly eight hundred thousand pounds.

Mr. Cardwell acknowledges the force and weight of many of the considerations which have been urged by you as reasons why the Colony should resort to a loan for expenses which in the mother country would be discharged, in part at least, from current revenue, such as the fact that the whole population of the province of Auckland from 16 to 55 has been drawn away by the war from industrial pursuits; that the southern island, having a less immediate interest in the suppression of the rebellion, would feel the charge upon the annual revenue as a serious hardship; that the Colony is compelled on the return of peace to make large payments, both for military purposes requiring to be wound up and discharged, and also for prospective measures of improvement consequent upon the return of peace, without being able to apportion that expenditure to its present means, or to wait for the most favourable state of the market to bring out a loan. Mr. Cardwell also feels that the prospect of avoiding future disturbances, with all the accompanying evils and expenses both to the Colony and to the mother country, will much depend upon judicious and comprehensive measures to be taken at the time of the restoration of peace, and that an embarrassment in the finances of the Colony at that juncture would tend to prevent the accomplishment of those measures, and to cloud that prospect. Yet, notwithstanding these considerations, he is not prepared to recommend to Parliament a guaranteed loan to any such amount as that which you have requested of Her Majesty's Government.

Upon the whole Mr. Cardwell concludes that the guarantee originally promised by the Duke of Newcastle may again be submitted to Parliament, and that the amount may be increased by the sum due, and to be repaid to the Imperial Treasury, and by a further sum of about 200,000*l.*, to be applicable to the general purposes of the New Zealand Government. The whole sum, therefore, to be guaranteed will amount to one million, of which, as far as at present appears, somewhat less than half will at once be repaid to the Imperial Exchequer, and somewhat more than half will be applied to purposes of the Colony, for the pacification of the North Island, and liquidating the expenses of the war. This should be raised at a rate of interest not exceeding 4 per cent., with 2 per cent. for sinking fund.

The actual ordinary revenue of the year 1862-3 amounted to 549,963*l.*, which exceeded by 259,296*l.* the necessary expenses of the general Government. The revenue of the Colony has hitherto rapidly



increased, and is estimated for the current year at 691,600*l.*; and the whole of this revenue, with its prospective increase, is to be the security for the loan,

Mr. Cardwell thinks that this security is sufficient, and excludes the risk that any actual payment will fall to be discharged by the Imperial Treasury. He leaves out of consideration the land pledged by the Act of the Assembly, which he cannot regard as adding anything definite, or certainly and immediately available in the way of security.

I am directed to observe, that Mr. Cardwell makes this offer to you as the Finance Minister of New Zealand, in the confident expectation and belief that the recent successes of the Queen's Forces and of the Colonial Militia and Volunteers will have placed in the Governor's hands the power of securing a just and permanent peace; and that his own disposition, and the instructions which have been addressed to him from this department, will ensure his using that power for the early termination of the war. It is only under this conviction that the Secretary of State can undertake to submit this proposal to Parliament; and if the proposal be accepted by you, your acceptance must be understood as conveying on your part and that of your colleagues in the Government of New Zealand an assurance of their desire cordially to co-operate with the Governor in this just and temperate policy towards the native race.

It only remains that, at Mr. Cardwell's direction, I should state the views of Her Majesty's Government with respect to the future relations between the mother country and the Colony in respect of military expenditure. Hitherto the contribution of the Colony has been merely nominal, being 5*l.* per man, which recently has not been paid into the Imperial exchequer, but almost entirely employed for native purposes in New Zealand. Her Majesty's Government feel themselves imperatively called upon to provide, that if, under the New Zealand Government, to whom in ordinary times the management of native affairs now almost exclusively belongs, the Colony shall again be involved in a civil war, the whole expense of the troops engaged in that war shall not fall upon the mother country. They acknowledge that New Zealand differs from the Australian Colonies in this respect, viz., that the presence of a large native population renders necessary the presence of some military force, even in times of peace. This force they propose to fix at one regiment, and for that one regiment they do not propose to charge the Colony of New Zealand with the amount which it is proposed to charge upon the Australian Colonies. They will expect that in consideration of this one regiment being maintained at the charge of the Imperial Treasury, the Colony will continue to devote the sum of 50,000*l.* per annum to native purposes of the nature indicated in Sir George Grey's Despatch of the 6th December 1861, including the government of native districts, and the moral and material advancement of the native race, but excluding the maintenance of any military or semi-military force for the suppression of disturbance. For every soldier over and above this one regiment Her Majesty's Government will expect the Colony to pay in future the same amount which has been proposed to the Australian Colonies, viz., the sum of 40*l.* for every infantry soldier, and 55*l.* for every artilleryman. These measures they regard as just measures of security against the risk of war being incurred by Colonial policy, while the principal expenses would fall to be discharged, not by the Colonial, but by the Imperial Treasury.

This arrangement should commence at the termination of the present arrangement, viz., at the close of the present year; but as it is not possible that the large army now in New Zealand can be altogether removed from the island before the 1st January 1865, they will so far delay the period of its application as to agree that in the year 1865 it shall not be applicable to any force beyond 4,000 men, in addition to the one regiment which is to be maintained at the exclusive cost of the Home Government.

Arrangements of this kind must of course be subject to revision hereafter, especially in a Colony like New Zealand, where a few years may bring with them a very altered state of circumstances.

The whole arrangement, therefore, may be thus summed up:—

1. That the original guarantee be extended from half a million to one million, of which probably rather less than half will be paid into the Imperial Treasury, and the remainder will be applicable to the purposes of the Colony.
2. That after allowing for one regiment, New Zealand shall pay to the Imperial Treasury the same contribution as that which it is proposed that the Australian Colonies shall pay.
3. That inasmuch as the mother country furnishes one regiment, in consideration of the many circumstances connected with the presence in New Zealand of a large native population, the sum now paid out of Colonial funds for the especial benefit of that population, viz. 50,000*l.*, shall continue undiminished.
4. That New Zealand shall not pay upon more than 4,000 men in the year 1865.

Reader Wood, Esq.  
&c. &c.

I am, &c.  
(Signed) F. ROGERS.

Enclosure 3 in No. 6.

Encl. 3 in  
No. 6.

SIR,

Westminster Palace Hotel, London, May 28, 1864.

I BEG to acknowledge the receipt of your letter of the 26th instant, in which you state that Mr. Secretary Cardwell will submit to Parliament, at my request, a proposal to guarantee one million of the loan sanctioned by the New Zealand Legislature, upon the following conditions:—

1. That out of the funds borrowed by the Colony under the guarantee of the Imperial Parliament all debts due to the mother country shall be discharged.
2. That a proposal to guarantee any portion of this loan can be submitted to Parliament by Mr. Cardwell only under an assurance from me that the Colonial Government desires cordially to co-operate with the Governor of New Zealand in that just and temperate policy towards the native race which is believed to be in accordance with his Excellency's own feelings, and which is embodied in the instructions which have been addressed to him by Mr. Cardwell, under date April 26, 1864.\*

\* Vide Ho.  
Com. Paper  
No. 326. of  
1864, page 47.

NEW  
ZEALAND.

With regard to the first of these conditions, I agree, immediately upon the funds being raised, to repay to the mother country all debts due, amounting, as far as can at present be ascertained, to something less than 500,000*l*.

With reference to the second, I take this opportunity of stating formally and officially that which I have previously had the honour of stating to Mr. Secretary Cardwell verbally, that there is nothing in the Instructions\* of April 26th to Sir George Grey that does not represent the views of the Colonial Government in practically carrying into effect the policy of confiscation authorized by the Legislature in the New Zealand Settlements Act.

It is quite true that the language of that Act is much wider than that of the Instructions, and the powers given under it are not limited, as they are by the Instructions. It does not follow, however, because powers are given, that therefore they must be exercised. It often happens that an Executive Government is by the Legislature armed with powers which, under certain possible circumstances, may very properly be exercised, and that confidence is felt that under different circumstances those powers will remain unused. This was the case during the last session of the Assembly in New Zealand.

To account for the language of the Settlements Act, and to justify its use, the state of affairs in the Colony at the time that Act was passed must be considered. In consequence of the distance of the various settlements in New Zealand from each other, of the comparative difficulty of locomotion, and the fact that nearly all the members of the Legislature are actually engaged in business, it is only at great personal inconvenience that a session of the Assembly can be held at all, and it is quite impossible, with short notice, to hold a session at which such a number of members can be present as fairly to represent the Colony. During the last session the Government was anxious to be armed with all the powers they felt it necessary to have to enable them to meet any contingency that might arise.

What then was the attitude of the native population? At the time the New Zealand Parliament was in session a very large portion of the Waikato and the whole of the Taranaki and Ngatiruanui tribes were in a state of rebellion, were actually in arms, and fighting against the Queen's authority; a considerable number of the Southern tribes in the province of Wellington were, though not in actual rebellion, in a state of disaffection; large numbers in every part of New Zealand were waiting on events; and there can be no doubt, if we had met with reverses, or if General Cameron had not achieved a success on the Waikato, many who are now peaceable would have joined in the rebellion.

Under these circumstances the Government felt that if they simply specified in the Act the districts then in open rebellion, and confined the powers of confiscating territory to such defined districts only, that soon after the Assembly was prorogued, and members had gone to their homes, it might become necessary and right to exercise the power of confiscation most in districts which had not been included within the defined limits, because the native inhabitants were not in rebellion at the moment the Act passed.

The Government never had any intention whatever of confiscating land in districts about which there could be any doubt as to the native inhabitants being in a state of rebellion. On my own behalf, therefore, and that of my colleagues, I can give to Mr. Cardwell a full assurance that the local Government will cordially co-operate with Sir George Grey in carrying out that just and temperate policy towards the native race embodied in the New Zealand Settlements Act, as limited in its operation by his \*Instructions of April 26.

In the concluding part of your letter you state the views of Her Majesty's Government with respect to the future relations between the mother country and the Colony in respect of military expenditure. On my own part I state, unreservedly, that the proposals which are made have my full concurrence; and that with respect to the charges for the expenses of the present war, they are made by Her Majesty's Government in such a spirit of liberality as cannot fail to command the gratitude of the people of New Zealand.

I cannot, however, disguise from you the fact, that I possess no powers from the General Assembly which will enable me definitely to conclude any arrangement with Her Majesty's Government in reference to military expenditure which will not require confirmation and ratification by the New Zealand Parliament.

I need, however, hardly point out to you, that no assent of mine, under any circumstances, could afford to Her Majesty's Government so good a security as that which they hold in their own lands, namely, the power of refusing to send troops, excepting upon their own terms, or of recalling them if those terms are not satisfactorily complied with.

Sir F. Rogers, Bart.,  
&c. &c. &c.

I have, &c.  
(Signed) READER WOOD.

No. 7.

No. 7.

COPY of a LETTER from the Right Honourable F. PEEL, M.P., to  
Sir F. ROGERS, Bart.

SIR,

Treasury Chambers, June 8, 1864.

I AM commanded by the Lords Commissioners of Her Majesty's Treasury to acknowledge the receipt of your letter, dated 2d instant, on the subject of the proposal to submit to Parliament a Bill for guaranteeing a loan of 1,000,000*l*. to the Colony of New Zealand, and I am to request you to state to Mr. Secretary Cardwell that their Lordships have given their best attention to his views, as expressed in your letter.



Their Lordships consider that any demand for the guarantee from this country on behalf of a loan to be contracted for a Colony ought to be scrutinized with jealousy, and ought, except under some rare and peculiar combination of circumstances, to be declined.

My Lords are prepared to admit that such a combination of circumstances may be justly said to exist in the present instance.

The strength of the case appears to depend upon the united force of several causes; such, for example, as the extreme pressure upon the Colony, the interest of the native races in the question, the opening afforded for securing the immediate repayment of a large debt due to the British Exchequer, and, most of all, the opportunity which this loan presents for securing a great improvement in the future arrangements as to charge for the military defence of the Colony.

With respect to the sufficiency of the New Zealand revenue to bear, prospectively and regularly, the charge of interest and sinking fund, my Lords rely entirely on the judgment of Mr. Secretary Cardwell, from which, however, they do not find in the case, so far as it is before them, any reason to dissent.

My Lords perceive with pleasure that the arrangements now proposed will be open to re-consideration after a reasonable time, and they hope that it will be clearly understood by the Colonial authorities that it will rest entirely with Her Majesty's Government to judge at what period they should be further modified with a view similar to that which has dictated the present change.

Meantime, in consideration of the provision made for Native purposes, my Lords do not hesitate to assent to that particular portion of the plan (as well as to the rest) which provides for the supply of one regiment free of charge.

It would be desirable, in case the circumstances of the Colony should admit of an augmented payment to the sinking fund from a larger surplus revenue in any given year, that such a course of action should be facilitated and encouraged.

Their Lordships would commend this topic to such consideration as Mr. Secretary Cardwell may think it deserves.

Sir F. Rogers, Bart.,  
&c. &c.

I am, &c.  
(Signed) F. PEEL.

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For Her Majesty's Stationery Office.



# FURTHER PAPERS

RELATING TO

## THE WAR IN NEW ZEALAND.

*(In continuation of Papers presented 3d March 1864.)*

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Presented to both Houses of Parliament by Command of Her Majesty.  
*June 1864.*

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LONDON:

PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,  
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1864.

[Price 7d.]

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# SCHEDULE.

## DESPATCHES FROM THE GOVERNOR.

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| 1                 | 14 Nov. 1863 (No. 158.) | Enclosing copy of letter from Lieut.-Colonel Logan commanding at Whanganui, reporting that the natives are quiet, and that all excitement has subsided in that district - - -                                         | 1     |
| 2                 | 17 Nov. 1863 (No. 160.) | Reporting that the signal staff at Manukau Heads was cut down by disaffected natives on the night of the 7th instant - -                                                                                              | 2     |
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# FURTHER PAPERS

RELATING TO

## THE WAR IN NEW ZEALAND.

### Despatches from the Governor.

No. 1.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G., &c.

NEW  
ZEALAND.  
No. 1.

(No. 158.)

Government House, Auckland, November 14, 1863.

(Received February 12, 1864.)

(Answered No. 22, February 21, 1864, page 44.)

MY LORD DUKE,

I HAVE the honour to transmit for your Grace's information a very interesting report from Lieutenant-Colonel Logan, 57th Regiment, commanding at Whanganui, which describes the present state of the tribes in that district, which continues in a tranquil condition, all excitement in it having subsided.

Lt.-Col. Logan  
to the Asst.  
Mil. Sec.,  
Nov. 2, 1863.

I have, &c.

(Signed) G. GREY,  
Governor.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

Enclosure in No. 1.

Encl. 1 in No. 1.

SIR,

Garrison Office, November 2, 1863.

I HAVE the honour to report, for the information of the Lieutenant-General and the general government, that the Wanganui and Rangitikei Districts continue quiet, and that all excitement has subsided.

I beg to enclose report from the Native Resident Magistrate, dated 28th October.

I have the honour to report the following information regarding the movements of the native tribes now in arms against us at Taranaki, and which has been furnished by a gentleman living in the district. He states that from sources on which he can perfectly rely he has heard that at present there are no natives in position on the southern side of Taranaki, other than those occupying the pa at Kaitake. The Ngarauru, (i.e.) the Waitotara natives, have all returned to their homes, with the exception of Hare Tipeni (one of their principal chiefs) and one or two others. Hare was severely wounded in the arm a few weeks ago, in the skirmish in which Ensign Powys, 57th Regiment, was wounded. Hare has sent "up" to Waitotara for a few of his relations to go "down" to see him, as he thinks he will not survive his wound. The natives all agree as to the extreme scarcity of food amongst them; for some weeks past the Wanganui and Ngatiruanui have chiefly tribes subsisted on pitau, the inner part of the fern tree. They have had to split up into smaller parties, and are residing mainly about Witiara and Warea. Pehi, the head chief of this river, disgusted at finding out that most of the statements forwarded to him previous to his leaving Wanganui were utterly untrue, and furious at what he considers their cowardice, has quarrelled seriously with some of his allies, the Waitotara natives in particular, and has even go so far as to threaten them with his vengeance. This, although they do not admit it, has had no doubt considerable influence in inducing these people to return home; and it has been reported that they actually bolted from Mataitawa. They profess, however, to intend returning in the early part of January next, when they will have secured all their crops. The Waitotara people have also brought up a report that the Waikatos were mooted the question of obtaining a cessation of hostilities, but this is not

NEW  
ZEALAND.

generally credited. It is also reported that in the affair at Auckland, in which Captain Swift, 65th Regiment, was killed, the Waikatos admit to have lost in killed and wounded 29 men. In the skirmish also at Maitaitawa with the 57th they acknowledge to have had 10 men wounded; they also say none died, or are likely to die, from their wounds.

The Ngarauru under Aperahama Parea, on their return, visited the friendly natives residing at Pa Karaka, a reserve situated in the recently purchased block at Waitotara, and tried very hard to induce Rio and his people to join the Maori king and their army, but without success, as they did not obtain a single recruit. From the head of this river I also hear that a number of young men of Topine-te-Mamaku's tribe have also returned, the excuse being shortness of food.

The location of the Defence Corps in the Rangitikei District does not appear to have acted unfavourably on the minds of the natives, and no demonstration of any kind has been made in consequence, as was originally apprehended.

The Assistant Military Secretary,  
&c. &c. &c.  
Head Quarters, Auckland.

I have, &c.  
(Signed) R. M. LOGAN,  
Major, 57th Regiment,  
Lieut.-Colonel Commanding,  
Garrison, Wanganui.

Sir,

Court House, Central Whanganui, October 28, 1863.

I HAVE the honour to report that eight Whanganui natives, who were engaged in the late attack at Taranaki, have arrived in the Upper Whanganui District; one of these received a gun shot in the front of his leg; the ball, lodging in his heel, has not been extracted.

These men report that Pehi and people are on their way back to Whanganui, and are now at Whitiora; that Pehi intends to withdraw from further battle with the military, and join the friendly natives; that he charges the Taranaki tribe with being the cause of his joining in a strife with the Government, and with the defeat of the Whanganuis, in not supplying the required aid.

The loss he has sustained will require satisfaction, and he will seek it from them.

It is said, that Pehi intends to become a Government native, and on his return participate in the proceeds of the Waitotara purchase, with any additional sum he may be able to obtain for lands he now proposes to offer for sale.

It is also said that Pehi has charged his own people with the folly of his having in any way joined the Waikato league, and therefore their loss is of their own seeking.

Tahana's opinions are said to coincide with Pehi's.

A printed circular is said to have been received by the rebels at Taranaki from Waikato, signed by William Thompson, advising to let "Tu," "Rongo," and "Tahu," now be one; or, we Waikatos have had enough of war; let the future be occupied in agricultural pursuits, and let peace reign.

Tu, the God of War.

Rongo, the God of Kumara, or agriculture.

Tahu, the God of Peace.

I do not put much faith in what is said to be Pehi's expressed intentions; such men are not given to talk of what they intend to do, but the reverse. With him intentions are seen when actions appear.

I will not vouch for the peace of this district when he is in it, no matter how blandly he may profess to be the protector of the white people. Pehi is a New Zealander, and in time of war is not to be trusted, unless a repelling power is ready at a moment's warning to meet him at the game of war, if he thinks fit so to play.

I have, &c.

(Signed) JOHN WHITE, R.M.,  
The Agent for the General Government, Whanganui. Central Whanganui.

No. 2.

No. 2.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 160.) Government House, Auckland, November 17, 1863.

(Received February 12, 1864.)

MY LORD DUKE, (Answered No. 22, February 21, 1864, page 44.)

I HAVE the honour to report, for your Grace's information, that upon the night of the 7th instant the signal staff at the heads of the Manukau Harbour was cut down by some disaffected natives.

2. As the signals which enable vessels to pass the bar of the Manukau Harbour, which in certain winds is dangerous, were made from this signal staff, great loss might have been sustained by any vessels which had appeared off the harbour before it was re-erected, and from the staff standing on the north side of the harbour a very unpleasant suspicion arose in many persons minds that the natives in that part of the country, who have hitherto been friendly to us, were about to co-operate with the hostile tribes.

3. I am happy, however, to be able to report, that the flag-staff was without delay re-erected; that there is now little doubt that it was cut down by some of the natives of



the Waikato tribes; and that the chiefs who live to the north of Manukau Harbour are, as will be seen from the enclosed copy of a letter I have received from them, greatly annoyed at such an act having been committed in their neighbourhood, and remain firm in their allegiance to the British Crown.

NEW  
ZEALAND.

Dated Waitakere, Nov. 16, 1863.

I have, &c.

His Grace the Duke of Newcastle, K.G., (Signed) G. GREY.  
&c. &c. &c.

Enclosure in No. 2.

Encl. in No. 2.

FRIEND THE GOVERNOR,  
SALUTATIONS,

Waitakere, November 16, 1863.

GREAT is our love for you. We have heard that the flagstaff at Manukau has fallen. The Pakeha you sent here did not come; but Mr. Percy Smith went to Ongarahu, and we there heard your words relative to the cutting down of the Manukau flagstaff. Great is our annoyance at this conduct of the Waikatos, who have cut down the flagstaff to cause mischief in our district. We know that this has been done to bring us into disrepute.

And now, O Father, (be assured that) our only fixed thought is love for you, our true parent, for you provide for us.

To the Governor, Auckland.

Enough,  
(Signed) TE WATARAUHI.

No. 3.

No. 3.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 161.) Government House, Auckland, November 21, 1863.

(Received February 12, 1864.)

MY LORD DUKE,

(Answered by No. 21, February 18, 1864, page 44.)

I HAVE the honour to enclose herewith, for your Grace's information, a certified copy of the evidence taken at the coroner's inquest held on view of the body of James Dromgool, who was murdered by the natives near the Mauku Stockade in the Province of Auckland on the 3d instant.

Evidence not  
printed.

I have, &c.

His Grace the Duke of Newcastle, K.G., (Signed) G. GREY.  
&c. &c. &c.

No. 4.

No. 4.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 162.) Government House, Auckland, November 28, 1863.

(Received February 12, 1864.)

MY LORD DUKE,

(Answered No. 22, February 21, 1864, page 44.)

I HAVE the honour to enclose, for your Grace's information, copies of two letters I have received from Lieut.-General Cameron, C.B., giving the details of a very desperate engagement which took place at Rangiriri on the 20th instant between our forces and the rebel natives.

Encl. No. 1.  
Lt.-Gen. Came-  
ron, C.B. to  
Sir G. Grey,  
Nov. 24, 1863.

2. This action resulted in the most complete victory for Her Majesty's forces, the enemy having fled from the field, leaving 180 prisoners in our hands, amongst whom are included several chiefs of importance.

Encl. No. 2.  
Lt.-Gen. Came-  
ron, C.B. to  
Sir G. Grey,  
Nov. 26, 1863.

3. Your Grace will find that the Lieut.-General speaks in the warmest terms of the gallantry of the forces engaged in this affair; but I regret to add that this victory, which may, I hope, produce most decisive results, was only gained by a very severe loss on our side, amounting to two officers and 35 men killed, and 13 officers and 80 men wounded, most of them, I am sorry to say, severely.

I have, &c.

His Grace the Duke of Newcastle, K.G., (Signed) G. GREY.  
&c. &c. &c.

NEW  
ZEALAND

Enclosure in No. 4.

LIEUTENANT-GENERAL CAMERON to the GOVERNOR.

Encl. in No. 4. SIR,

Head Quarters, Camp, Rangariri, November 24, 1863.

I HAVE the honour to report to your Excellency, that on the morning of the 20th instant I moved from Meremere, with the force detailed in the margin,\* up the right bank of the Waikato river, with the intention of attacking the enemy's entrenched position at Rangariri, in which operation Commodore Sir William Wiseman, Bart., had arranged to co-operate with the "Pioneer" and "Avon" steamers, and the four gunboats.

| * Corps.                 | General Officers. | Field Officers. | Cpts. | Subalterns. | Asst. Surg. | Staff. | Serjts. | Drummers. | Rank and File. |
|--------------------------|-------------------|-----------------|-------|-------------|-------------|--------|---------|-----------|----------------|
| General Staff ... ..     | 1                 | 4               | ...   | 1           | ...         | ...    | 3       | ...       | ...            |
| Royal Artillery... ..    | ...               | ...             | 1     | 1           | 1           | ...    | 2       | 1         | 45             |
| Royal Engineers ... ..   | ...               | 1               | 1     | ...         | ...         | ...    | ...     | ...       | 12             |
| 1st 12th Regiment ... .. | ...               | ...             | 1     | 3           | ...         | ...    | 5       | 2         | 100            |
| 2nd 14th Regiment ... .. | ...               | 1               | 2     | 4           | ...         | 2      | 8       | 3         | 164            |
| 40th Regiment ... ..     | ...               | ...             | 1     | 3           | ...         | ...    | 4       | 2         | 75             |
| 65th Regiment ... ..     | ...               | 1               | 1     | 6           | 1           | 2      | 15      | 6         | 375            |
| Totals ... ..            | 1                 | 7               | 7     | 18          | 2           | 4      | 37      | 14        | 771            |

R. CAREY, Lt.-Col., Dep. Adj.-General.

The troops under my command and the steamers and gunboats arrived near Rangariri at the same hour—3 p.m.

The enemy's position consisted of a main line of entrenchment across the narrow isthmus which divides the Waikato river from Lake Waikare. This line had a double ditch and high parapet, and was strengthened at the centre (its highest point) by a square redoubt of very formidable construction. Behind the left centre of the main line and at right angles to it there was an entrenched line of rifle pits parallel to the Waikato river, and obstructing the advance of troops from that direction.

On a reconnaissance made on the 18th, I had determined on landing a force in rear of the position simultaneously with attacking it in front, with the view of turning and gaining possession of a ridge 500 yards behind the main entrenchment, and thus intercepting the retreat of the enemy.

With this object 300 men of the 40th Regiment were embarked in the "Pioneer" and "Avon," to land, on a preconcerted signal, at a point which I had selected.

Unfortunately the strength of the wind and current was such that the "Pioneer" and "Avon" were unable to reach this point, notwithstanding the persevering efforts of Sir William Wiseman and the officers and men under his command. The same cause deprived us of the assistance of two of the gunboats.

After shelling the position of the enemy for a considerable time from Captain Mercer's two 12-pounder Armstrong's and the Naval 6-pounder, under Lieut. Alexander, R.N., in which the two gunboats joined, and it being now nearly five o'clock, I determined not to wait any longer for the landing of the 40th from the steamers, and gave the word for the assault. This was brilliantly executed by the troops, who had to pass over a distance of 600 yards in the face of a heavy fire, the 65th Regiment leading and escalading the enemy's entrenchment on the left.

After passing the main line of entrenchment, the troops wheeled to the left towards the enemy's centre, and came under fire of the line of rifle pits facing the Waikato river. This they at once stormed and carried, driving the enemy before them to the centre redoubt, which they now defended with desperate resolution.

While the troops were forcing their way over the parapet of the main line, as already described, I was glad to perceive that the 40th were landing sufficiently near the point I had indicated to enable them to carry and occupy the ridge in rear, and to pour a heavy fire on a body of the enemy, who were driven by them from part of the position, and fled by the Waikare swamp. In this part of the attack they were joined by a portion of the 65th Regiment, detached from the main body after the latter had passed the main line of entrenchment.

The troops who carried the main line being still checked by the fire from the centre redoubt, two separate assaults were made on this work; the first by 36 of the Royal Artillery, armed with revolvers, and led by Captain Mercer; the second, by 90 seamen of the Royal Navy, armed in a similar manner, and led by Commander Mayne, under the personal direction of Sir William Wiseman.

Both attacks were unsuccessful, on account of the formidable nature of the work, and the overwhelming fire which was brought to bear on the assailants. An attempt was also made by a party of seamen under Commander Phillimore to dislodge the enemy with hand grenades thrown into the work.

It being now nearly dark, I resolved to wait the return of daylight before undertaking further operations, the troops remaining in the several positions they had gained, in which they almost completely enveloped the enemy.

Shortly after daylight on the 21st, the white flag was hoisted by the enemy, of whom 183 surrendered unconditionally, gave up their arms, and became prisoners of war.

The exact strength and loss of the enemy I have been unable to ascertain, but he must have suffered severely. We buried 36 bodies, and there is no doubt a large number were shot or drowned in attempting to escape across the swamp of Waikare lake.

Their wounded must have been removed during the night, as there were none among the prisoners.

Our loss, necessarily severe in carrying so formidable a position, testifies to the gallantry of the troops. I have the honour to command, and also, I am bound to say, to the bravery and determination of its



defenders. I enclose a list of casualties. Your Excellency will observe that it includes a large proportion of officers, most of those who led in the different attacks being severely wounded. It will afford me the highest gratification to report to the Right Honourable the Secretary of State for War, and to His Royal Highness the Field Marshal Commanding-in-Chief, the admirable conduct of the troops engaged on this occasion, and to bring to their special notice the names of those officers and men who more particularly distinguished themselves.

NEW  
ZEALAND.

His Excellency Sir George Grey, K.C.B. I have, &c.  
(Signed) D. A. CAMERON, Lieut.-General.

Enclosure 2 in No. 7.

Encl. 2 in No. 4.

Lieut.-General CAMERON to the GOVERNOR.

Head Quarters, Camp, Rangariri, Nov. 26, 1863.  
SINCE I enclosed my Despatch of the 24th instant, I have received intelligence of the death of Captain Mercer, commanding Royal Artillery on this station, from the effect of wounds received in the action of the 20th instant, whilst gallantly leading his men to an assault on the enemy's strongest work.

I regard the loss of this able, zealous, and energetic officer at the present moment as a serious misfortune.

Your Excellency having been intimately acquainted with Captain Mercer, and appreciating his noble character and many sterling qualities, will, I am confident, participate in the grief felt by myself and the whole force for the death of this invaluable officer.

I have also to deplore the loss of another brave and excellent officer, Captain Phelps, 2nd Battalion, 4th Regiment, who died in consequence of a wound received in the action of 20th instant.

I have, &c.,  
His Excellency Sir G. Grey, K.C.B. D. A. CAMERON, Lieut.-General.

No 5.

No. 5.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 163.)

Government House, Auckland, November 30, 1863.

(Received February 12, 1864.)

My LORD DUKE,

(Answered No. 22, February 21, 1864, page 44.)

I HAVE the honour to report that since the defeat of the rebel natives at Rangiriri on the 20th instant they have sent in to me from Ngaruawahia, the chief place of the so-called king, a letter, a copy of which is herewith enclosed.

2. It is written by a chief of secondary rank, and merely states that the fight has been fought, that some are dead, and some yet live; and then goes on to add, "restore to us Waikato (our chiefs); let those who are dead suffice for you; restore to us those who still live."

3. The reply to this letter has been written by the Colonial Secretary, informing them that the Governor cannot treat with them whilst they are still assembled in arms, but that if they will give up their arms to him a way for intercourse may be opened.

I have, &c.

His Grace the Duke of Newcastle, K.G., (Signed) G. GREY.  
&c. &c. &c.

Encl. No. 1.  
From Pene Pukewhau and the chiefs of Waikato, to the Governor, Nov. 25, 1863.

Encl. No. 2.  
Mr. Fox to Pene Pukewhau, Nov. 30, 1863.

Enclosure 1 in No. 5.

Encl. 1 in No. 5.

FRIEND, O GOVERNOR,  
SALUTATION,

Ngaruawahia, November 25, 1863.

This is to say to you, the fight has been fought, and some are dead; some live. Restore to us Waikato; let it suffice for you the men who are dead. Restore to us those who live. Enough.

From your friend Pene Pukewhau. From all the chiefs of Waikato.  
To Governor Grey.

Enclosure 2 in No. 5.

Encl. 2 in No. 5.

PENE PUKEWHAU,

Auckland, November 30, 1863.

Your letter has arrived here; the subject has been carefully considered. This is the reply to you, and to all the men of Ngaruawahia.

The Governor can have nothing to say to you while you have arms in your hands; but give up all our guns, your powder, and your arms to the Governor, then a way will be open for you to speak. At present nothing.

Enough the word.

(Signed) WILLIAM FOX.

NEW  
ZEALAND.  
—  
No. 6.

No. 6.

COPY of a DESPATCH from GOVERNOR Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 168.)

Government House, Auckland, December 3, 1863.

MY LORD DUKE,

(Received February 12, 1864.)

Nov. 17, 1863.

I HAVE the honour to transmit herewith the copy of a resolution passed by the Legislative Council, in which, on the arrival of Her Majesty's Ship "Himalaya," with the 50th Regiment, it desires to express its sincere acknowledgment to your Grace for the promptitude with which you have caused such efficient aid to be afforded to the Colony, in its need.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

(Signed) G. GREY.

Encl. in No. 6.

Enclosure in No. 6.

EXTRACT from the Journals of the Legislative Council, Tuesday, November 17, 1863.

RESOLVED, that on the arrival of Her Majesty's Ship "Himalaya" with the 50th Regiment this Council desires to express its sincere acknowledgment to Her Majesty's Principal Secretary of State for the Colonies, the Duke of Newcastle, for the promptitude with which he has caused such efficient aid to be afforded to the Colony, in its need.

A true extract.

T. H. BARTLEY, Speaker.

No. 7.

No. 7.

COPY of a DESPATCH from GOVERNOR Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 170.)

Government House, Auckland, December 3, 1863.

MY LORD DUKE,

(Received February 12, 1864.)

(Answered No. 24, February 23, 1864, page 44.)

\* Vide Papers  
presented  
3d March 1864,  
page 96.

ADVERTING to my Despatch No. 156\* of the 7th ultimo, in which I transmitted the copy of a resolution adopted by the House of Representatives, accepting the responsibility of the management of Native Affairs in this Colony, I have now the honour to transmit to your Grace the copy of a resolution to the same effect passed by the Legislative Council.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

(Signed) G. GREY.

Encl. in No. 7.

Enclosed in No. 7.

EXTRACT from the Journals of the Legislative Council, Monday, November 9, 1863.

RESOLVED, That this Council, having had under consideration the Despatch of Her Majesty's Principal Secretary of State for the Colonies, dated the 26th February 1863, conveying the fixed determination of Her Majesty's Imperial Government to revoke the arrangement of 1856, and for the future to require the colonists to undertake the responsibility of the management of Native Affairs, recognizes with the deepest gratitude the great interest which Her most gracious Majesty has always taken in the welfare of all races of Her Majesty's Colonial subjects, and the thoroughly efficient aid which Her Majesty's Imperial Government is now affording for the suppression of the rebellion now unhappily existing, and for the establishment of law and order in this Colony; and relying on the cordial co-operation of the Imperial Government for the future, this Council cheerfully accepts the responsibility thus placed upon the Colonists, and at the same time records its firm determination to use its best endeavours to secure a sound and lasting peace, to do justice impartially to both races of Her Majesty's subjects, and to promote the civilization and welfare of all classes of the inhabitants of these islands.

A true extract.

T. H. BARTLEY, Speaker.



No. 8.

NEW  
ZEALAND.  
No. 8.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 174.)

Government House, Auckland, December 5, 1863.

BY LORD DUKE,

(Received February 12, 1864.)

REFERRING to my Despatch No. 168.\* of the 3rd instant, enclosing the copy of a resolution passed by the Legislative Council expressing its acknowledgments for the promptitude with which your Grace despatched reinforcements to this colony in its need, I have now the honour to transmit the copy of a similar Resolution which was adopted by the House of Representatives on the 19th ultimo.

\* Page 6.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G., (Signed) G. GREY.  
&c. &c. &c.

Enclosure in No. 8.

Encl. in No. 8.

EXTRACT from the Journals of the House of Representatives,  
Thursday, the 19th day of November 1863.

Resolved,

THAT on the arrival of Her Majesty's ship "Himalaya" with the 50th Regiment this House desires to express its sincere acknowledgment to Her Majesty's Principal Secretary of State for the Colonies, the Duke of Newcastle, for the promptitude with which he has caused such efficient aid to be afforded to the Colony, in its need.

That this resolution be transmitted to his Excellency the Governor, with a request that he will be pleased to forward the same to his Grace the Duke of Newcastle.

True Extract,  
D. MONRO,  
Speaker.

No. 9.

No. 9.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 177.)

Government House, Auckland, December 5, 1863.

BY LORD DUKE,

(Received February 12, 1864.)

(Answered No. 22, February 21, 1864, page 44.)

I HAVE the honour to transmit, for your Grace's information, the copy of a very important statement made on the 28th ultimo by Wiremu Patena a Ngatimaniapoto chief.

Dated Three  
Kings, Nov. 28,  
1863.

2. The plan of the natives for their attack upon the Auckland settlement, which was known to the Government for a considerable time before hostilities commenced, was to establish a line of posts in a forest range, extending from the Waikato to the river Thames, the central point of which position was to be at Paparata. They would then in the event of our moving from Auckland towards the Waikato, operate upon our flank, and constantly cut our line of communication with our advanced posts.

3. From the enclosed statement of Wiremu Patena it will be found that when General Cameron moved early in July to provide for the protection of the Auckland settlement, the native attacking forces were already in motion, and that when he crossed the Maungatawhiri their leading parties had already passed up the Maramarua to occupy Paparata or some point on the line which they intended to take up.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G., (Signed) G. GREY.  
&c. &c. &c.

Enclosure in No. 9.

Encl. in No. 9.

Three Kings, November 28, 1863.

Friends, my dear friends, listen! This is what I have to say. It was uttered by me before the Assembly, at the great Tea Meeting at Auckland.

It is this:—

I will say nothing about the fighting at Taranaki, because it has been separated by peace. But I begin to speak on this side (meaning Waikato side), at the time Mr. Gorst was badly used by Maniapoto. When all the ministers came here my thoughts were gloomy; and after them a man named

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ZEALAND.

Aporo came to Auckland. When he came here, he was seized and imprisoned. When the tribes of the south, namely Waikato and Maniapoto, heard that Aporo was taken, Ngatimaniapoto reflected that it was just. He saw his error, and still went. Waitere, one of the chiefs of Ngatimaniapoto, came and bid Matutaere not to be excited because Aporo was seized and imprisoned. I also went to Ngaruawhia. Some other men went to Ngaruawhia, to Tamahere, to Maungatautari, to Rangiawhia, to ask that war should be consented to. All the chiefs consented. When I and Waitere arrived there, I said to Matutaere. "Oh son! do you, or do you not consent to this work which is now being done," (viz., fighting). Thereon he said to me, "Go, return to your place." On that same day arrived the men who went to Maungatautari, to Rangiawhia. When they reached Ngaruawhia, the council met, and talked about attacking Auckland. I was sad. Then I said, "Oh tribe! if you desire to fight, write to the Governor. Do the work in open daylight." Huirama stood up to answer me, a chief who died at the Koheroa. His word to me was this: "I will not listen to your word, because at all the Councils of Waikati you are the man to object. All the tribes listen to your word." Then I replied to him, "Listen; you are wrong." In the morning I returned home. On my arrival, I knew that evil was coming. I wrote a letter to Mr. Buddle, showing the secret doings of the tribes. Afterwards I assembled my tribe. When they gathered together, I said to them, "Listen to me all! If this evil breaks out, don't you rise up." They consented to me. When Mr. Buddle's letter reached me, bidding me go to preach at Kopua, the residence of Rira (the Reverend Mr. Reid), I went there. All the tribes of that place assembled. I said to them. "If this evil breaks out, don't you rise up." They replied to me, "We will not sit quiet." Ten men consented to my word. Afterwards I wrote a letter to my tribe who are living at Kawhia. This was my word. "Don't go to the war, but rather listen to the word of your minister, Mr. Nakipeki (Reverend Mr. Schumkenberg). When my letter reached them, they consented. I came to my home. When I reached it, the armed body had started, and pitched at Maramarua; the soldiers also had crossed Mangatawhiri. Some tribes were not aware of their having crossed (Mangatawhiri), for they had passed up the Maramarua. Waikato was still in the rear. When they perceived the soldiers had pitched on this side of Mangatawhiri, Huirama said, "Ngatimaniapoto and Ngatihana will not come, because they are stopped by Wm. Patena." This is one reason why I was abused by the Waikato; another reason is, they heard of my having written letters to you all; therefore I reflected (meaning whatever can be done by counsel has been done) there has been no spokesman omitted. The ministers have spoken. They have exhausted their instructions in the many years they have taught the Maori. Good laws for men were laid down by the Governor at the meeting of the Waikato at Taupari. Secondly, the Governor went to Kaitoke, and then laid open his good plans and works of kindness for men. I also urged much that the tribes should return to the one law. When I perceived a stubbornness, notwithstanding these teachings, I thought in my heart enough of men's speaking, one speaker is left, namely, battle. See now their bodies have fallen in battle. Don't suppose my heart is sad. How can it be helped. If you had hidden your instructions my heart would have been dark. Afterward the battle at Koheroa was lost. Some of my own tribe jumped up; two old men. I was not aware of their going. I kept back those who remained. I said to them, "Don't rise up to bear arms against the Governor, that is against the Queen."

After the battle of Koheroa, I went to Waikato. On the way I met a Pakeha (Mr. England), who was being badly treated. His flour had been taken away by the Maori. His son was with him. When I saw those Pakehas I took charge of them. He said to me, "Shall not we be killed as a payment, for the slain." I replied, "You shall not be harmed."

When the Pakehas came with me, they gave me a bag of money 100/ 10s. The reason why he gave it me was, that if they should perish, the money might be preserved. I said, "You will not perish, certainly not."

When we arrived at Ngaruawhia, I and those Pakehas went to see the bodies of Huirama and his people. Afterwards we went to my settlement, and remained there four days. The reason of the delay was that the foot was burned by fire. When it became well, I said to my young men, "Catch the horses." When the horses were caught, I said, "Go, carry the Pakehas to Raglan." Then they were brought here. The flour given to me was paid for by Mr. Buddle. When Rewi's armed party arrived, the canoe of the Pakehas was taken from my settlement, where it was left. When I heard of its being taken, I went after it and got it back.

This is one of their bad acts against me.

When the tribes assembled at Meremere, I came there, and said to the tribes there, "Friends! lay aside bad deeds (konihi), murdering by stealth, killing women and children and farm labourers, and men walking about without arms."

Some tribes assented and some tribes did not assent. After this talking a woman (Mrs. Fahey) fell, killed without cause.

Enough,

From your dear friend,

From WIREMA PATENA.

No. 10.

No. 10.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 178.)

Government House, Auckland, December 5, 1863.

(Received February 12, 1864.)

(Answered No. 22, February 21, 1864, page 44.)

MY LORD DUKE,

I HAVE the honour to enclose, for your Grace's perusal, copies of four letters I have received from tribes on the east coast of New Zealand, declaring their intention of remaining firm in their allegiance to the British Crown.

From Reihana  
Paipa, Oct. 2,  
1863.

Pene Tuwhaka,  
Oct. 3, 1863.



2. These letters are curious, as illustrating what very opposite feelings actuate different portions of the native population at the present time.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

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ZEALAND.

The Runangas  
of Tuparoa,  
Oct. 12, 1863.  
Pine Tuwhaka,  
Tuhimata,  
Oct. 29, 1863.

Enclosure 1 in No. 10.

WAKAMAORI OF WARAPU.

Encl. 1 in  
No. 10.

Te Aroha te Horo, October 2, 1863.

THE men of the Horo here have heard of the war at Waikato, and also of the fight at the Koheroa. They have heard the Pakeha account and the Maori account. The men of this place, those who read this paper, disapprove of the murderous deeds committed by the Maories. That is one of the old customs of the days of darkness and cannibalism. These are not the deeds of a tribe which wishes to raise its name above all the tribes in New Zealand, that is of a tribe which does not wish to return to the former works of darkness, but wishes to follow the light.

The men of the Horo wish to receive information, that they may hear of what is doing at all the various places. Our idea is to tell you of what we have heard.

The Pakehas have long been patient. They had no desire to bring on evil quickly; all they wished for was the Pakehas and Maories to live together in love. They (the Maories) have given up religion and forsaken the law, all that would enable them to live in peace, and have followed the wrong doings of one man.

The Ngatihorcai are a pattern to all the tribes that are living in foolishness. Their work is building houses, ploughing land, to produce food for the sustenance of the body, trading and other things. They are engaged only on the works which God has permitted man to do. The Maories here have great thought for their Pakeha friends. They wish to live with them in peace and amity. They have no desire to injure their Pakeha friends because they have become like fathers to them. O Sons! O men! who desire to mar the world (or make the world evil), can ye obscure the sun, or prevent its warm rays from shining upon the earth? If any one says, "I can;" my reply is "stuff."

So with us residing here and there, which of us can suppress the love of the Pakeha? Say, "I can." Can you, you contemptible Maori? I will rip open my stomach that you may see the treasures it contains. I shall love those that love me. Cherish those who cherish me; and hate those who hate me.

It is God's law, that whosoever hateth Him, He will hate (?).

From your loving friend,  
(Signed) REIHANA PAIPA  
(and from all the tribe).

To Mr. Halse, Auckland.

Enclosure 2 in No. 10.

Encl. 2 in  
No. 10.

To Mr. Halse,  
FRIEND, SALUTATIONS,

Te Horo, October 3, 1863.

GREAT is my love for you. The tribes that are living under the law have been holding a meeting about adhering to the Pakeha, and they are doing so. Our attachment to the Pakeha is not a new thing; it commenced long ago, and has continued up to the present time.

I am the man who will not turn back to the old Maori customs, and you Pakehas will never be forsaken by me.

Friend, Mr. Halse. This is my word to you, Let there be one law for Pakeha and Maori; let spirits be open to both races. Waiapu is the only place where grog is prohibited; it is open to all other places. Do you consider this matter, and let us know.

Friend, Mr. Halse, that law was not introduced here with the sanction of the tribes. It was the teachers alone who caused the prohibition. They thought that by stopping grog they should not offend (be guilty of drinking themselves); whereas they have all offended. The men are many who call upon you to cancel the prohibition.

From your loving friend,  
(Signed) PINE TUWHAKA.

To Mr. Halse, Auckland.

Enclosure 3 in No. 10.

Encl. 3 in  
No. 10.

October 12, 1863.

Our runanga assembled, and was attended by men from the following pas: Orangitauria, Manutahi, Waitotoki, and Tuparoa. Three hundred were present at the meeting, exclusive of women and children. The chiefs who stood up to speak were: Himiona Tinotahi, Te Tuteri, Pairohe, Te Warihi Kope, Horomana Te Ana, Wiremu Kingi, Kuhukuhu, from Tuparoa.

Wiremu Te Kopa, Awatere, Te Hatewira Taumauu, and Erueti Wharekura, from Mountahi; Rutene Hakai, Makaea Te Whakamara, Hone Te Huia, and Hira Tamihere, from Waitoki.

Tiniopi te Kahu, Te Kereama te Wera and Ihaia Muhu, from Rangitamaanei.

The two subjects or resolutions were: religion, belief in God for the inside, and the laws of the Queen for the outside; and that the King movement be given up, as there was death in it.

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Fifteen chiefs spoke on the subject of the Governor's laws.

Our word was that we should not go backwards to that king who has been set up.

Father, the Governor, salutations to you. God is our Heavenly Father, and you are our earthly father.

We do not approve of the Maori king, but we beg that the Queen's power may be extended (spread) over us.

From the runanga of Tuparoa. There are two Maori king pas: Waitekaha and Reporua.

Encl. 4 in  
No. 10.

Enclosure 4 in No. 10.

To the Native Office, Auckland.

TO THE GOVERNOR,

Tuhimata, October 29, 1863.

FRIEND. SALUTATIONS. This is to inform you of the errors which have been committed subsequent to the receipt of your proclamation prohibiting the sale of axes, spades, and such like things. That prohibition has been broken; spades and all the other forbidden things have been brought to the Pakehas, and they are now selling them to the tribes that are inclined to fight against you. When your notice appeared we were very much pleased that goods should be prohibited to the rebels, but now we are very much disappointed. Those people are very insolent towards us. This is their word to us: "You told us that spades and axes were prohibited to us." We could not say a word in answer to them, inasmuch as the things which were forbidden had been supplied to them. They were quite delighted at being able to obtain these things; but we are very dark. When your paper arrived, we opened it, and said that you had made a distinction. These were the words: The sale of goods is not prohibited to those who are friendly but to those who are opposed to the Government. We considered, therefore, that it was right that we should receive spades and axes, and that it should be as you said in regard to those things. The cause of our darkness is the supplying of those things to the turbulent set at Waipuu.

Do you consider this matter.

This is another subject. On the subject of a post office, to enable us to receive the mails regularly. The desire of the Horo runanga is for a post office at Tuhimata, that the mail may be near to us, and that we may hear the news. It will rest with you to cause it to be established.

From your friends residing at the Horo.

No. 11.

No. 11.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 179.)

Government House, Auckland, December 8, 1863.

(Received February 12, 1864.)

MY LORD DUKE,

(Answered No. 22, February 21, 1864, page 44.)

I HAVE the honour to transmit copies of the letters noted in the margin from some of the chiefs now in arms. These letters relate to the question as to whether or not the chiefs of the Waikato will now make their submission to the Government, and on what terms they will do so.

2. In reply to a letter which they addressed to me, I thought it right to inform them that Lieut.-General Cameron would proceed without pause to Ngaruawahia, the Native King's residence, and the point where the king's flag was first hoisted, and that when the General had taken possession of that place, and the Queen's flag was flying there, I would hear anything they might have to say, but not before.

I have, &c.

His Grace the Duke of Newcastle, K.G.,

(Signed) G. GREY.

&c.

&c.

&c.

From William  
Thompson,  
Ngaruawahia,  
Dec. 4, 1863.

W. Thompson  
to Waikato  
Prisoners in  
Auckland,  
Dec. 4, 1863.

PenePukewhau  
to the Governor,  
Ngaruawahia,  
Dec. 2, 1863.

The Governor  
to Pene Puke-  
whau, Dec. 6,  
1863.

Encl. 1 in  
No. 11.

Enclosure 1 in No. 11.

FRIEND WIREMU,

Ngaruawahia, December 4, 1863.

WRITER of the letter to Pene Pukewhau, your letter has arrived, in which you say that our guns and powder be given up to the Governor. Hearken. We brought away no guns or powder with us. All the Pakehas witnessed the swimming across the lake of the survivors; their guns and their powder were all lost in the lake.

These are the persons who escaped hither belonging to the tribes Ngatihana and Ngatikoroki:—

1. Tamati Waka.
2. Ko Kepa.
3. Rihia.
4. Riki.
5. Paora.
6. Taniora.

7. Heta.
8. Tarati.
9. Eparaima.
10. Reweti Waikato.
12. Wiremu.
13. Matenga.



14. Rawiri.  
15. Tutaki.  
16. Poke.

17. Te Pakaroa.  
18. Patihana.  
19. Myself (Ko Ahau).

This is all.

Those of the Ngatimahuta, Ngatihmetu, Ngatiti Rau, Ngatiwhanaunga, Ngatihikairo, Te Nganugau, Ngatiteata, Ngatihine, Te Patupo Ngatinaho:—

20. Ngakapa.  
21. Karehau.  
22. Paora.  
23. Henare.  
24. Arapiu.  
25. Erueti.  
26. Henare.  
27. Paora.  
28. Kingi Waikawau.

29. Hone.  
30. Tamati.  
31. Peni Pekewhau.  
32. Hone Parengarenga.  
33. Himiona.  
34. Erueti.  
35. Haimona.  
36. Toma.

All the guns and powder were lost in the water; not one was brought away. Do not suppose I am concealing (the truth) from you. No; this is the real truth; perfect truth. You say that I am still in arms at the present time.

Now I will thus reply. If I were still desirous of bearing arms, I would have remained at Paetai, for some of our other tribes were staying there, 200\* (400?) with arms and ammunition.

Understand, I cannot bear arms whilst the chiefs of Waikato, who have been made prisoners of, are making proposals of peace.

Friend, hear also that 200 (400?) went to assist at Rangiriri. They paddled across the lake, landed and went on, and arrived at the top of a ridge whence they saw white flags flying. That was all; hereupon they sat down on the top of the ridge. Afterwards, Heme, a half-cast, came up in company with Terernia. They said, "Peace has been made."

The 200 (400?) then returned to their respective homes. Friend, it is your side alone which is still in arms. That is to say, the steamer which is at work in the Waikato making "pas" as it goes on. When they finish one, they come a little further and make another.

Now then, let the steamer stay away. Do not let it come hither.

That is all.

(Signed) WIREMU TAMEHANA.

Enclosure 2 in No. 11.

Encl. 2 in  
No. 11.

Ngaruawahia, December 4, 1863.

To Ngatihana, to Waikato, Hakairo, Mahanga, Ngatiteata, Tainui. Salutation to you, O Sirs, O Friends, O Sons.

Salutation to you all. Your word (letter) has reached us. We are not well able to fulfil your word. We have not yet taken breath, both on account of your misfortune (mate), and on account of the enemy constantly driving us from place to place. We are quite out of breath.

What we have been doing since you left is thinking over your word, and continually retiring, as the steamer moves this way, we move also; that is what we are now constantly doing. Here end the words to you. Farewell, then, all of you. I know you are all well (cared for). Your only suffering is being prisoners. It is we who are suffering greatly. Enough.

The wounded who are dead are Tereiti and Whakarite. These are dead.

From W. Tamihana to Waikato who are carried to Auckland.

Enclosure 3 in No. 11.

Encl. 3 in  
No. 11.

O FRIEND, O GOVERNOR,

SALUTATION. We are awaiting the reply of our letter. Can it have reached you, or not? These are the words of that letter. Restore the Waikato men. Suffice for you the dead. Enough.

From the chiefs of WAIKAT.

From PENE PUKEWHAU.

Enclosure 4 in No. 11.

Encl. 4 in  
No. 11.

Government House, December 6, 1863.

O all you chiefs of Waikato.

O Pene Pukewhau.

Your letter of 2d December has reached me. Sons, my words to you are these. The General must go uninterrupted to Ngaruawahia. The (jack) flag of the Queen must be hoisted there. Then I will talk to you.

(Signed) G. GREY, Governor.

\* Native usage is to count by pairs.

No. 12.

NEW  
ZEALAND.  
—  
No. 12.

COPY of a DESPATCH from GOVERNOR Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 180.)

Government House, Auckland, December 8, 1863.

(Received February 12, 1864.)

MY LORD DUKE,

(Answered No. 22, February 21, 1864, page 44.)

\* Page 10.

ADVERTING to my Despatch of this day's date\*, enclosing letters from several chiefs of Waikato, I have now the honour to transmit the copy of a letter from the native chief Te Wheoro, who conveyed a letter from the Government to the chiefs at Ngaruawahia.

Dated  
Taipouri,  
Dec. 4, 1863.

2. From this letter your Grace will find that they intend to surrender Ngaruawahia to us without opposition, and that they will leave standing there the King's flagstaff, the first raised in New Zealand, in order that the Queen's flag may be hoisted on it.

3. I understand from Te Wheoro's letter that the Ngatimaniapoto tribe, fearing that the Queen's flag would fly from the King's flagstaff, wished to cut it down before they abandoned the place, and hence that they do not contemplate an absolute submission to us; but that, on the other hand, the king's own family and tribe, in order that they may make their submission complete, are determined to leave the flagstaff standing that the Queen's flag may fly from it.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Encl. in No. 12.

Enclosure in No. 12.

O FRIEND MR. FOX,

Taipouri, December 4, 1863.

SALUTATION. This is my communication to you, that you may hear what was said when I went up to Ngaruawahia on the 3d day of December. I did not see any men anywhere except at Ngaruawahia. When we arrived there they assembled, and fired from both sides of the road. We were between them, while they fired as they went along. We reached the house of Matutaera with the carved verandah. He and his people stood up (to receive us). Ngatimaniapoto were on the Waipa side, and Waikato on the Horotui side. They stood for awhile, and then sat down. Paora Te Ahuru stood up to make a speech:—"Welcome my child, welcome all of you, your ancestors and your fathers. Come to see your fallen tribe, and your broken canoe. My fighting has ceased. Peace is made." After him Tikaokao stood up, "Come, my child; come to see your fallen tribe, and your broken canoe." Then Patara Te Tuhi stood up, "Welcome my brother, come to see your fallen tribe, and your broken canoe." Then I, Te Wheoro, stood up, "Welcome me, O my father, welcome me, O my brothers. I am come here to see the fallen tribe, and the broken canoe. I cannot be helped. It is right, O my fathers, that peace should be made. I have nothing to say. I did not come to speak; but the speech is in the letters. Do not let us make speeches, but be quick, and answer the letters."

They sent to Tamahere for Tamihana. They met in council. They came to me (and said) "If we give up the guns, we shall perhaps be made prisoners. We don't clearly see how to answer the Governor's letter, because we are afraid of the steamer, and of the soldiers which are coming this way. For this reason we came on here from Paetai." I said to them, "I have nothing to say to you. I was not sent here to deliver a message."

In the morning Ngatimaniapoto came to cut down the flagstaff\* at Ngaruawahia. Waikato would not allow them. The quarrel was great. Both sides fired without aiming. Then Tamati Ngapora Mohi Te Ahiatengu, Patara Te Tuhi, Paora Te Ahuru, and W. Thompson gave it (the flagstaff) to me, with these words, "William (Te Wheoro), we give over this flagstaff to you, with the remains of the buried,† and Ngaruawahia, for you to give over to the General and to the Governor. Especially let not the remains of the buried be ill-treated by the soldiers. As for Ngaruawahia the cultivations, leave them alone; we are going away through fear."

Moses gave his "hoeroa"‡ for the General for a pledge of peace, and the flagstaff for a pledge of peace. I returned with the letters for the Governor.

These are all the chiefs who were there present.

Tamati NgaPora.  
Mohi Te Ahi-a-te-Ngu.  
Wi Tamihana (Wm. Thompson.)  
Tikaokao.  
Paora Te Ahuru.  
Patara Te Tuhi.  
Kai Ngararu.

Enough.

From your Friend,  
(Signed) WI TE WHEORO.

\* The word "kara" is used to signify a flag, or the flag and the staff, or the flag-staff.

† Meaning Te Wherowhero remains.

‡ A weapon made out of the jaw of the sperm whale.



## No. 13.

NEW  
ZEALAND.  
No. 13.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 182.)

Government House, Auckland, December 9, 1863.

(Received February 12, 1864.)

MY LORD DUKE,

(Answered No. 22, February 21, 1864, page 44.)

I DETAINED the English mail for 24 hours, in the hope of being able to communicate to you that General Cameron was in possession of Ngaruawahia.

2. I have now the gratification of enclosing copies of telegrams I have just received from General Cameron and Commodore Sir William Wiseman, from which your Grace will with pleasure learn that the colonial steamer "Pioneer," under Sir William Wiseman, conveyed the General and 500 men to Ngaruawahia about four o'clock p.m. yesterday, and that they took possession of the place without opposition.

3. There can, I think, be no doubt that the neck of this unhappy rebellion is now broken, and that there is now no probability of the insurrection becoming general.

4. I regret, however, that this most satisfactory intelligence is clouded by a report which I received yesterday of the death of Colonel Austen of the 14th Regiment, in consequence of the wounds he received in the action at Rangiriri on the 20th ultimo. He was a most amiable man, and an excellent officer and most gallant soldier. His gallantry was conspicuous in the action at Koheroa on the 17th July last, when he was also unfortunately wounded. He formerly served in the same regiment as myself, and this naturally makes me feel more strongly the value of the services he has rendered to this country, and deeper sorrow for the loss of a most remarkably amiable, active, and gallant man.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Enclosure in No. 13.

Encl. in No. 13.

COPIES of Telegrams received from Lieut.-General CAMERON, C.B., and Commodore Sir WILLIAM WISEMAN, Bart.

From General CAMERON, Ngaruawahia, to his Excellency the GOVERNOR, Auckland.

7:30 a.m., December 9, 1863.

THE Queen's flag is flying at Ngaruawahia. A division of 500 men under my command were conveyed up the river in the "Pioneer," and landed at Ngaruawahia about 4 p.m., without opposition, or seeing any natives.

From Sir W. WISEMAN, "Pioneer," off Ngaruawahia, Waikato, to the GOVERNOR, Auckland.

7:30 a.m., December 9, 1863.

SHOULD you wish to send to Nelson to catch the mail, with news of the occupation of this place, use Her Majesty's steamer "Harrier," senior naval officer, giving orders for her to go there and back to Manukau as soon as possible, and "Esk" lending her 40 men and proportion of officers.

## No. 14.

No. 14.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 2.)

Government House, Auckland, January 4, 1864.

(Received March 14, 1864.)

MY LORD DUKE,

(Answered No. 35, March 20, 1864, page 45.)

I HAVE the honour to transmit, for your Grace's information, a copy of a Despatch I have received from Lieut.-General Cameron, C.B., reporting that he had occupied Ngaruawahia, the residence of the so-called Maori king, and the spot where a New Zealand king was first proclaimed in June 1858, and his flag hoisted.

2. I confidently anticipate that the occupation of Ngaruawahia will produce a very beneficial effect upon the whole Maori population.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Dated  
Ngaruawahia,  
Dec. 9, 1863.

Enclosure in No. 14.

Lieut.-General CAMERON, C.B., to the GOVERNOR.

NEW  
ZEALAND.

Encl. in No. 14. SIR,

Head Quarters, Ngaruawahia, December 9, 1863.

I HAVE the honour to report to your Excellency that after the action at Rangiriri I was obliged to wait for the arrival of supplies, and was unable to advance before the 2nd instant, on which day I moved the camp about a mile above the native village of Paitai.

As the two outlets which run into the river from Lake Waikare between Rangiriri and Paitai were not fordable, the troops with their tents and baggage were conveyed up the river in boats, manned by seamen of the Royal Navy, under command of Captain Phillimore, H.M.S. "Curaçoa."

The following day the troops again moved on, and encamped abreast of the Island of Taipori, close to which the "Pioneer" anchored the same day.

I was again delayed, waiting for provisions, until the 7th instant, when I moved the camp about five miles higher up the river, and met the "Pioneer," which had safely passed the last shoal below Ngaruawahia.

On the following morning I went up the river in the "Pioneer," with Commodore Sir W. Wiseman, as far as Ngaruawahia, which we found deserted.

We immediately returned to the camp, and having embarked 500 men of the 65th and 40th Regiments on board the "Pioneer," again proceeded up the river, and landed at Ngaruawahia, where I have established my head quarters.

We have not seen a single armed native since we left Rangiriri.

His Excellency Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) D. A. CAMERON,  
Lieut.-General.

No. 15.

No. 15.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 3.)

Government House, Auckland, January 4, 1864.

(Received March 14, 1864.)

(Answered No. 36, March 23, 1864, page 45.)

MY LORD DUKE,

Lieut.-General  
Cameron, C.B.,  
to Sir G. Grey,  
Dec. 9, 1863.

I HAVE the honour to enclose for your Grace's information, the copy of a Despatch I have received from Lieut.-General Cameron, enclosing letters from Colonel Carey, commanding the Thames Expeditionary Force, reporting that the proposed line of military posts had been established between the frith of the Thames and the river Waikato, and a communication opened between those two points. Colonel Carey executed this service with great ability and energy.

2. It is with much pleasure that I draw your Grace's attention to the high terms in which Colonel Carey speaks of the services rendered to him by Captain Daldy and the Auckland Naval Volunteers.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Encl. in No. 15.

Enclosure in No. 15.

Lieutenant-General CAMERON, C.B. to the GOVERNOR.

SIR,

Head Quarters, Ngaruawahia, December 9, 1863.

I HAVE the honour to forward herewith two letters received from Colonel Carey, commanding the Thames expeditionary force, from which your Excellency will perceive that the object of the expedition has been accomplished, a line of military posts having been established, and the communication opened between the frith of the Thames and the river Waikato.

It gives me great pleasure to inform your Excellency that Colonel Carey has reported that the services of Captain Daldy and the Auckland Naval Volunteers were most useful, that they were engaged in landing the stores from the ships, and performed this laborious duty with the greatest zeal and good will, the men working day and night.

His Excellency Sir George Grey, K.C.B.  
&c. &c. &c.

I have, &c.,  
D. A. CAMERON,  
Lieutenant-General.

Sub-Encl.

Sub-Enclosures.

SIR,

Camp Pukorokoro, November 24, 1863.

I HAVE the honour to report, for the information of the Lieutenant-General commanding the forces, that the troops under my command reached this place at half-past six o'clock last evening, after a very harassing march over a most difficult country, having left Hauraki at eleven o'clock.



The men were all ashore by half-past eight o'clock a.m., and the horses at 10.45. Each horse had to be landed separately.

The boats of the Royal Navy, under command of Captains Jenkins and Hamilton, with the provision cutters, arrived off the mouth of the stream about the same time.

On landing it was found that the natives had recently held the position. The mouth of the river is staked across, and the entrance strongly defended by rifle pits (traversed), and others partially dug; these were at once occupied by blue jackets, royal marines, and the baggage guard of the troops; and the disembarkation of the camp equipage, &c., &c., commenced, and is now being continued.

On reaching the settlement here, fires were found still alight in the *whares*, boxes locked, furniture, cooking utensils, a bell tent, a bag of bullets, &c., giving evidence of a hurried departure.

A whale-boat, a war canoe, and other canoes were also found in the neighbouring creeks.

Owing to the deep mud, and the impracticability of the creek for ships' boats, except at high water, the landing of the baggage will be very tedious.

I would strongly recommend two flat-bottomed boats of very light draught being sent here at once.

The site for the post has been chosen, and the redoubt will be commenced as soon as the "*materiel*" is landed, and carried up the hill to the encampment.

The redoubt will require a small opening work on a hill a few hundred yards to the southward, which will command it; but which being very steep, and more distant from the landing-place, would not be a suitable site for the redoubt.

I purpose establishing the commissariat store immediately below the redoubt on a flat spot, round which the creek runs, and on which supplies can be landed by small boats at high tide.

Being commanded by the redoubt, the commissariat stores will merely require a small guard over them.

The steam ship "*Corio*" will return to Auckland to-night for the baggage horses. In the meantime I purpose reconnoitering the country towards Paparata, and fixing the site of a post, if necessary, midway.

I take this opportunity of bringing to the notice of the commander of the forces the very efficient manner in which the disembarkation of the troops and horses was effected by the Royal Navy, under Captains Jenkins and Hamilton, without loss or accident, and beg to testify to their extreme kindness and attention to the wants of the officers and men during the week of our detention off Waiheke island, on board the "*Miranda*" and "*Esk*."

I have, &c.  
(Signed) GEORGE CAREY,  
Colonel Commanding Thames Force.

The Deputy Quartermaster General,  
&c. &c. &c.

SIR,

Camp, near Paparata, December 5, 1863.

I HAVE the honour to report, for the information of the Lieut.-General commanding, that the remainder of the force under my command (after establishing posts at Pukorokoro, "*Miranda*" Redoubt, and at Maiapu, "*Esk*" Redoubt) reached this yesterday evening, and encamped within a few hundred yards of the Paparata Stockade.

A portion of the force marched to the latter place this afternoon (having been prevented from doing so by heavy rain in the morning), cut down the stockade, and set fire to the *whares*, which were capable of holding some 700 natives.

The enemy must have evacuated the place some time since.

The position is not one suited for a redoubt, being commanded by a hill in rear, with a deep wooded gully intervening; it is likewise out of the direct line of communication from the other Thames posts to the Waikato posts, and not visible from the "*Esk*" Redoubt.

I have therefore decided on building a redoubt on this hill, which commands a fine view of the country as far as Waikari lake, including the Queen's Redoubt and adjacent posts on the west, and "*Esk*" Redoubt, and a portion of the Thames firth on the east; thus a system of telegraph by signal may be at once established between the Thames and the Waikato.

Subject to the approval of the commander of the forces, I have named this redoubt "*Surrey*," having the head quarters of the 70th Regiment encamped here.

As Captain Greaves, Deputy-Assistant-Quartermaster-General, is sending you a report of the nature of the defences of the late Paparata stockade, it is needless for me to do so.

The rifle pits I purpose having filled in on Monday next.

I forward to the Deputy-Adjutant-General a state showing the present distribution of the force under my command.

A party of the defence force, under Mr. Macdonald, proceed with this mail to the Queen's Redoubt, from whence I have to request some oxen may be sent to this camp, so that the troops may obtain some fresh meat, having been on salt provisions since they left Auckland on the 16th of last month, with the exception of one day's fresh meat procured at Pukorokoro.

I have, &c.  
(Signed) GEORGE J. CAREY,  
Commanding Field Force.

Colonel Gamble,  
Dep. Q. M. General, Head-quarters.

NEW  
ZEALAND.

## DISEMBARKATION RETURN.

STATE of an Expeditionary Force to the Thames, November 23, 1863.

| DISTRIBUTION.            | Field Officers. | Captains. | Subalterns. | Staff. | Sergeants. | Drummers. | Rank and File. | REMARKS.             |
|--------------------------|-----------------|-----------|-------------|--------|------------|-----------|----------------|----------------------|
| Royal Engineers -        | —               | 1         | —           | —      | —          | —         | 5              | STAFF:               |
| 1 B 12th Regiment -      | —               | 2         | 6           | —      | 9          | 2         | 168            | Colonel Carey, Com-  |
| 70th Regiment -          | 1               | 3         | 9           | 3      | 21         | 9         | 326            | manding.             |
| Army Hospital Corps -    | —               | —         | —           | —      | —          | —         | 1              | Deputy A. Q.-M.      |
| 2 B 18th Regiment -      | —               | —         | —           | —      | —          | —         | 3              | General              |
| Waikato Militia -        | —               | 3         | 4           | 1      | 12         | 1         | 198            | S.A. Surgeon Alston. |
| Naval Volunteers -       | —               | 1         | 2           | —      | 7          | —         | 93             | D. A. C.-G. Neill.   |
| Colonial Defence Force - | —               | 1         | 2           | —      | 3          | —         | 49             | D. A. Q. M.-G. Hay.  |
| Total -                  | 1               | 11        | 23          | 4      | 52         | 12        | 843            |                      |

G. J. CAREY, Colonel Commanding.

HERBERT J. HILL, Lieutenant and Field Adjutant.

No. 16.

No. 16.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 4.)

Government House, Auckland, January 4, 1864.

(Received March 14, 1864.)

MY LORD DUKE,

(Answered No. 36, March 23, 1864, page 45.)

Lieut.-General  
Cameron, C.B.,  
to Sir G. Grey,  
Auckland,  
Dec. 16, 1863.

I HAVE the honour to transmit, for your Grace's information, the copy of a Despatch I have received from Lieut.-General Cameron, enclosing a report from Captain Jackson of the Forest Rangers of his having surprised a party of natives in the bush about five miles north of the native pa at Paparata, which had previously been taken possession of by Colonel Carey.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

(Signed) G. GREY.

Encl. in No. 16.

Enclosure in No. 16.

Lieutenant-General CAMERON, C.B., to the GOVERNOR.

SIR,

Auckland, December 16, 1863.

I HAVE the honour to forward to your Excellency the accompanying letter of Lieut.-Colonel Nixon, commanding Papakura District, transmitting a report from Captain Jackson of the Forest Rangers, of his having surprised a party of natives in the bush about five miles north of Paparata.

Captain Jackson, Ensign Westrup, and the men of the Forest Rangers, deserve great credit for the persevering manner in which they followed up the tracks of the natives, who appear to have been taken so completely by surprise as to have been able to offer very little resistance.

I have, &amp;c.

His Excellency Sir G. Grey, K.C.B.,  
&c. &c. &c.

(Signed) D. A. CAMERON,  
Lieut.-General.

SIR,

Camp, Papakura, December 14, 1863.

I HAVE the honour to enclose, for the information of the Lieut.-General commanding, a report from Captain Jackson of the Forest Rangers of an affair he had yesterday morning with a party of Maories, about five miles north of Paparata.

In consequence of my absence on duty from Papakura until late this afternoon, I have been unable to forward the report at an earlier hour.

I have, &amp;c.

(Signed) M. G. NIXON,  
Lieut.-Col. A.M.,  
Commanding Papakura District.

The Deputy Quartermaster-General,  
Auckland.

SIR,

Papakura, December 14, 1863.

I HAVE the honour to report, for the information of the Lieut.-General commanding, that, in accordance with your instructions, I started on Friday the 11th instant, at 1:15 p.m., with a force of my company of Forest Rangers (as per margin\*) on an expedition towards the Wairoa river. At 6:30 p.m. on that day I camped on the Hunua river, and started from thence at 4:30 next morning; at 6:30 a.m. we struck native tracks, which appeared to be quite fresh; at 10:30 a.m. we found a camping ground, which was capable of accommodating 30 or 40 natives; one of the fires here was still hot; at 4:30 p.m. we got to another camping ground, the five fires of which were quite hot;

\* 1 sergeant,  
1 subaltern,  
2 corporals,  
23 privates.



we had evidently gained a day's march on the enemy. I continued our march till 6.15 p.m., when finding we had overrun the track I camped for the night. On Sunday, December 14th, I broke camp at 5.30 a.m., and turned back to re-examine the path, and found tracks diverging to the left. I then posted some men to look out for smoke, which was soon discovered rising out of the ranges. We went very quietly towards it, and by using great caution succeeded in surprising the enemy about 8.40 a.m. We had got between their sentry and their camp.

When about 12 or 15 yards from the enemy, I halted my men on an eminence to give them breath, and gave orders that they should first attack the enemy with their carbines, and then rush at them with their revolvers. The Maoris were then cleaning their guns. The surprise was complete. After our carbines were discharged, the enemy, apparently expecting we had only empty pieces, turned upon us with their guns, tomahawks, &c., but the revolver soon sent them to the right about. Several of the enemy who were wounded by the discharge of the carbines were assisted away by the women, who were very busy removing arms, dead, and wounded. I saw two or three natives hit who were immediately helped away by women. I had directed my men not to fire at the women, and I am happy to say they did not; though it is very possible that some of the women and children may have got hurt in the affray; but I only know of one instance; a woman, I believe, was wounded in the leg by a stray shot. The affair lasted only four or five minutes. I saw three dead men taken off, and four of their dead were left in our hands. Two of the natives, when surrounded, endeavoured to stab my men, one using a bowie knife, and the other a large carving knife, but the revolver made short work of them. One native, at great risk, returned and attempted to carry away a small tin box, but a bullet made him drop it and run off. Many of those who escaped were wounded. Had my party been larger, I think I could easily have surrounded the enemy and taken them all prisoners. None of my men were hurt, as only those of the enemy who were on the outskirts of their camp could find time to load and fire on us, and they were just as likely to hit their own men as mine. I estimate the number of the enemy to have been over 40 men. One of the natives, before he died, told me there were 28, and on being again asked he said there were 28, double—holding up two of his fingers; he also said his tribe was the Ngatipaoa. He would not tell his own name, but said the man next him was a chief named Matariki. The scene of the engagement was in the ranges, about five miles due north of Papanara. The natives retreated in an easterly direction. One of the sentries I had posted informed me some time after we left the place, that a broad track led easterly from near where he was posted, and that he saw a man on horseback go up it. The enemy appeared to have plenty of provisions. We found a good deal of tea and sugar and some flour; there was abundance of fern root; three or four *kapura* Maori had meat in them, and a good quantity of pork was hanging up. In the box which the native tried to secure, mentioned above, were three flags, one a large red flag, on which was embroidered a white cross and star and the word *Aotearoa* in white letters. It is made of silk, and is neat and handsome. Another flag is a large red pendant with a white cross; the remaining flag is a handkerchief of the Union Jack pattern. The other spoils are a double-barrelled gun, a large horse pistol, and a smaller pistol, three or four cartridge boxes, and a great deal of property which had belonged to settlers, such as scarlet hangings, fancy window blinds, small work-boxes, &c., some papers belonging to Mr. Richardson of Wairoa, and a coat belonging to Mr. Johnson, of the same place, several articles which were stolen from Mr. McDonald at the time Trust's children were murdered near Howick. I therefore concluded these natives were of the party who committed those murders. One of my men has two small packets of hair, I think European; they are evidently relics; he will give them up to any one who may claim them. We could not bring away much of the "loot," as we were heavily loaded with our arms, blankets, &c.; but I think I brought away sufficient to prove the character of the party we fell in with. We destroyed several packages and tins of gunpowder, and threw a great number of bullets into the creek.

I have great pleasure in reporting that my men behaved with great coolness and courage; there was no firing at random. I am anxious to bring to your special notice the brave and cool conduct of Ensign Westrup, who was foremost in the attack, and made every shot of his revolver tell; also of Private John Smith, who had a severe hand-to-hand struggle with a powerful native.

Lieut.-Colonel Nixon,  
Commanding Moveable Column.

I have, &c.,  
(Signed) WM. JACKSON,  
Captain Commanding Forest Rangers.

## No. 17.

No. 17.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 16.)

Government House, Auckland, February 3, 1864.

(Received April 13, 1864.)

MY LORD DUKE,

I HAVE the honour to enclose, for your Grace's information, copies of two reports from the Civil Commissioner of the Napier District.

2. The first of these contains a most interesting report of a great meeting of natives which recently took place in the Wairoa district on the east coast, and the second of the enclosed reports containing some very valuable information regarding the present state of feelings in the Ngatikahungunu tribe, the whole of which Major Whitmore believes it is now quite possible to keep on the best terms with the European race.

Major Whitmore to the Colonial Secretary Napier, June 27, 1864.  
Ditto to ditto.

His Grace the Duke of Newcastle, K.G.,

&amp;c. &amp;c. &amp;c.

I have, &c.  
(Signed) G. GREY.



NEW  
ZEALAND.Encl. 1 in  
No. 17.

Enclosure 1 in No. 17.

SIR,

Civil Commissioner's Office, Napier, 27th January 1864.

I HAVE the honour to inform you, that I have just returned from Wairoa, where I went by appointment and at the request of the natives, to attend a monster meeting to open the church, and declare "*sides*."

I endeavoured to write to you by the last mail, but though I chartered a small craft to take me across the bay, was unfortunate enough to miss the steamer. Letters for me relative to the landing of powder at Te Mahia were, however, forwarded to you by Mr. McLean, who opened them in my absence.

You are aware that some Europeans had been stopped in the Upper Wairoa by natives, more or less allied to the Uriweras, but still Ngatikahungunus. There has also been a very great feud between the native residents of the Upper and Lower Wairoa for some years. As regards the "King" and "Queen" question, their notions are so vague of the bearing of those terms, more especially in that remote part of the country, that I have found it to be a wiser course to avoid a discussion of a shadow, so long as I could carry out my object in reality. Oddly enough, the same chief who will argue for hours about the king will not think of defending disobedience to the law and the Queen's magistrate. Finding this to be the case, and having to deal with a district so slenderly inhabited, and twice as long as from Auckland to Whatawhata, I have refrained from all discussions about the Maori king. The difficulties of the country are such that to attempt to carry out by force the views of every Englishman of sense, viz., the establishment of law and order, would be a task for an immense army. A very little tact will achieve the same object, I hope, without the least sacrifice of principle or lowering of tone. The chief difficulty is the braggart way of talking indulged in by some of the straggling Pakeha Maories, or settlers in these distant regions. I found that few Maories came to the meeting without some suspicion that I should seize their persons if they did not at once consent to a very humiliating form of submission to the Queen.

The meeting lasted for very many hours, and the defiant speeches and taunts of hapu against hapu, the old feuds that were raked up again, and desultory skirmishing between the more hot-headed and younger orators, did not appear till long after dark to afford any opening for me to speak. As, however, night closed in, the proceedings appeared to become quieter, and at length the "Union of the River" was assented to. Some chiefs asked which section had gained its point; the queenites, kingites, or neutrals; and others, what union meant; and why people who had always been quarrelling should become united? At last they begged me to speak, and I went between the two parties, and told them that I did not ask who were kingites or who were queenites. That Mr. Ward had told them we should not go to war about the king. We had kept that promise. The Waikatos began to murder our countrymen, and we took up arms in self-defence. That if "the king" was not intended to stand he would fall. I had my own ideas about him, and as far as things had gone I believed that his authority had not sufficed to close the Waikato. All I asked of a tribe which had not done anything to assist him, which was wholly unconnected with his, which had been in the memory of all the chiefs round me oppressed and even butchered by the Waikatos, was to let time decide whether there was any sense in the title he had assumed, or any advantage to be gained by talking about it. That "union," to my way of thinking, meant the submission of all to one law, equal to old and young, strong and weak, Maori and European. That law I was there to establish. I left among them a gentleman specially selected to administer it, and it was by their united co-operation alone that a single man and one policeman could carry out the law. They could easily understand the absurdity of a case of trespass of the same *con\** being settled in one way at Wairoa and differently at the other end of the flat, when the circumstances were identical in each case. They understood well enough when they wanted a house built, to employ a carpenter; when sick, to send for the doctor; and could readily understand that practice makes perfect on the one hand, and that those who study a single subject are less likely to make mistakes about it than those who give their attention to a dozen. So I told them they would find their magistrate to be the proper person to decide all cases of dispute, and each he considered would make him better able to understand others. I told them that one policeman supported by them was better than a number relying on themselves, because wherever there were people the single policeman would be sure of assistance, and evildoers would be cautious of provoking their immediate relatives, though they might feel willing to try to evade a number of police living at another kainga. I told them not to believe the lies current in the country. It was true that they were promulgated as much by Pakehas as Maories, but they were still lies. For instance, what stories had they heard of me? Why did some of them hide from me when they arrived? Why were they always afraid of my coming to Wairoa? I was there to answer them.

I was immediately assailed with questions. Was I not going to disarm them at once, and put those who refused to give up their arms in prison? Was I not going to seize land at the Wairoa for my policemen? (Col. Defence Force.) Was I not going to put up a pa? \*Was I not restrained only by Mr. McLean from fighting with them at once? And such like questions. I answered them all, and then each of the wild natives (Upper Wairoa) came to be introduced to me, a ceremony deferred till then, which was midnight. I am bound to say, however, that two awkward questions arose, one about Mr. Brown's grant of land for his house, made to the Queen by Kopu. The other a distinct request that I would lay down a rule for repeated cases of adultery by the same woman, as the minister refused them a divorce. In the first instance I said I wished to raise no question about land. That Mr. Brown had explained his part of the transaction of the 40 acres. It was clear the real owners, or chief owners, had given it to the Queen for a magistrate's residence; that there was no place for him to go else. That it would be very inconvenient for them to go to Mohaha by the hills to have their cases heard. But that if they scrupled to do the very little in their power towards maintaining the magistrate, he should live at Mohaha, for he could not live at any chief's kainga without being suspected of leaning too much on his side. To be satisfactory to all these should be no ground for supposing that the law was not equal to all, and so on.

As regards adultery, a crime especially common at Wairoa, where children are constantly married at eight and ten years old by their parents, with the aid of a Maori clergyman, I really did not know what

\* Sic in orig.



to answer. Of course I gave some kind of reply, to the effect that it was not worth while quarrelling about a worthless woman, for I found they were then taking sides about a Maori Helen, who had been abducted, and forcibly protected from those who tried to bring her back. This was her fourth "faux pas," and she was surely unworthy of so much disturbance. But I could not reach them on this point. They wished me to sanction a system of divorce; to institute some law by which they could be married again by the clergyman. This I believe, under existing laws, to be impracticable; but I cannot learn here exactly.

The Maori's idea of adultery differs so widely from ours, and he is so accustomed to perpetual litigation on that subject, that he judges law a good deal by the way it grapples that crime. I should feel obliged if you could give me some sketch of the right course in answering natives on that subject.

Kopu said that he, like all the rest in the Heretaunga, were trapped some years ago into accepting the king. He thought I was very good not to disturb people about it. They were ashamed of the Waikatos and their doings. But the letter, in which they said that they accepted Pototau as Maori king, also said that it was never to be a cause of quarrel with the Pakeha. That it had become one in Waikato; so he would have nothing more to do with it. He saw the advantages of our laws, and was a Queen man now himself. If I told him to fetch water he would. That others might perhaps still continue to call themselves king's men, who felt as he did, but were ashamed to recant. That big Henare (Te Apatere) had recanted I had told them, and they knew he had before he died. There was no use going on with it. Others spoke less positively, but to the same effect. I think they all seem willing to obey the law. Of those present 600 were guests. It was the largest meeting ever held at Wairoa of late years. The guests had never before been present when my predecessor visited Wairoa. They promised to stop no more travellers, and laid the blame on the Uriweras and on some Pakeha gold seekers.

The Honourable the Colonial Secretary, Auckland.

I have &c.,  
(Signed) G. S. WHITMORE.

Enclosure 2 in No. 17.

Encl. 2 in  
No. 17.

SIR

Civil Commissioner's Office, Napier, January 27, 1864.

It has come to my knowledge that the numbers of natives from the east coast of the tribes named in the margin\* lately gone to Waikato amount to 1,370 men. This information has been given me by a relative of Karaitiana, and by his direction great efforts have been made to gain recruits from the Ngatihungunu tribes, and hapus, but I believe without success.

I cannot help suggesting that the importance at this moment of having reliable information from Poverty Bay (which is the most important place on the east coast) renders it very advisable to send some trustworthy person to reside there.

The people are not I believe compromised in the rebellion, but from that place information could be procured as to those who are, of neighbouring tribes.

The population of the Waiaapu valley is all compromised, I think. I feel confident that it is now quite possible to keep the whole Ngatihungunu tribe on the best terms with Europeans, partly through their run leases, partly through their old feuds with the Waikatos, and partly by fear of losing their lands.

With your permission I should like to send Mr. Campbell, N.M. for Ngaruroro, whose duties are not very heavy, to make a report of the disposition of the natives at Poverty Bay, and to return in a fortnight.

I would, however, prefer to have a regular correspondent at that place, for the natives here are much influenced by those of Poverty Bay, where there are two parties among the natives which require a good deal of watching.

A chief named Rangihiroa has been making inflammatory speeches in this district. The natives told him that they would not allow him to disturb the peace, and Renata threatened to kill him if he continued to preach rebellion either here or elsewhere, for he would fight on our side. Karaitiana spoke to the same purpose. If I see it can be done with safety, I shall, with your permission, seize the first offender of this kind, if I can bring his crime home to him clearly.

I have, &c.  
(Signed) G. S. WHITMORE.

The Honourable the Colonial Secretary, Auckland.

No. 18.

No. 18.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 17.)

Government House, Auckland, February 3, 1864.

MY LORD DUKE,

(Received April 13, 1864.)

I HAVE the honour to enclose, for your Grace's information, the copy of a report from the Civil Commissioner of the Bay of Islands District, regarding the state of feeling amongst the natives of that part of this island, which I regard as being upon the whole

The Civil  
Commissioner,  
Waimate, to  
the Colonial  
Secretary.  
Jan. 15, 1864.

NEW  
ZEALAND.

satisfactory, although I do not think that we are yet quite free from danger in that quarter.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Encl. in No. 18.

(Extract.)

Enclosure in No. 18.

Dated Te  
Kaupo,  
Hokianga.  
Dec. 25, 1863.

SIR,

Civil Commissioner's Office, Waimate, January 15, 1864.

I HAVE the honour of enclosing to you, for his Excellency the Governor, an address, signed by 41 of the principal chiefs of Hokianga; also a letter from the chief Wharekereru, with translations, thanking his Excellency for a present of ten pounds for services rendered Captain James, whose vessel was wrecked off the Bluff, Hokianga.

Referring to the address, written evidently by Aperahama Taonui, who at times is somewhat visionary, allusion is made to other letters sent to his Excellency, prophetic of the times which he considers accomplished in the fall of Rangiriri. The suspicions touched upon in the address of possible disaffection in the north appear to me a sort of feeler, intended to draw out from the Government something expressive of what would be the result upon them as a body, if some few rebels committed themselves in the north. The fact is, the decisive measures of the Government and the House of Representatives, in reference to confiscating lands of rebels, has taken them somewhat by surprise, and has been productive of much serious thought amongst the Ngapuhi generally. They know that they have amongst them reckless young men, who by overt acts might involve the whole tribe in trouble; and our late successes have, I fear, been made use of by injudicious Europeans in a way to create some mistrust. The natives have been told that when the Government have carried out its plans of confiscation in the south it will commence to do the same in the north, and natives being naturally jealous when they hear these remarks, sometimes accompanied with threats, they cannot but be apprehensive of danger; besides it must not be concealed from the Government that there is, and always has been, a small branch of the Rarana, to whom the address refers, living at Whangape and Herekino, who have long had the seeds of disaffection sown amongst them.

If his Excellency could give these chiefs an early reply to their address it would afford them much satisfaction. They are a deserving people, and upon the whole the most loyal in the district.

The Honourable the Colonial Secretary,  
Native Department.

I have, &c.  
GEORGE CLARKE,  
Civil Commissioner.

Sub-Enclosure.

Te Kaupo, Hokianga, December 25, 1863.

#### AN ADVERTISEMENT OR Memorandum to the Governor.

Friend the Governor. Salutations. Intelligence of the taking of Rangiriri, and the capture of the 183 prisoners, has arrived here. This fulfils our words (yours and mine) spoken on the 21st January of the present year.

The reason I have written to you is this, to inform you that the clouds and stars (discontents and agitations) which stirred up Taranaki and Waikato have turned hitherward and remain in this place, and the scourge (punishment) which has been applied to Taranaki and Waikato will probably be laid on this end of the island also. We shall see this in the days which are to come, but we (the writers) are aware that the scourge will not be laid on without cause. The misdeeds of the people will bring the punishment. This is our reason for desiring that if you can spare time you will come to see us.

We are well assured of these things, and are now in a state of anxiety. What though the matter which disturbs our minds has not actually taken place, we think it best to be suspicious and wary (that is, in a state of preparation).

These matters we have not been informed of by the voice of man, but by the signs of the heavens (by this the writers simply mean that they have sufficient reasons for believing that there is a great probability of a disturbance in the north; but do not care to state them more particularly, possibly because they could not do so without bringing charges against some particular parties, who have as yet committed no overt act, and thus putting themselves in an awkward position). When the clouds are red we know it is with the blood of the tutu nunui\* (great disturbance,—a hint that there are signs of a great disturbance). These words are words to be laughed at and derided by the foolish, but who, on the day of their fulfilment, will be startled—

All.

By your obedient loving servants,  
41 signatures.

\* An allusion to an old Maori tradition or fable.



## No. 19.

NEW  
ZEALAND.  
No. 19.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 19.)

Government House, Auckland, February 5, 1864.

My LORD DUKE,

(Received April 13, 1864.)

I HAVE the honour to report, for your Grace's information, that Lieut.-General Cameron, C.B., has now advanced to a place named Te Rore, situated on the River Waipa, and has been within about one thousand yards of a strongly entrenched position occupied by the insurgent natives.

2. The want of sufficient means of transport and of supplies will probably prevent him from advancing further for two or three days, when he hopes to turn the enemy's position, and get in their rear.

3. If the natives continue to hold their ground until these movements are completed, it is possible that General Cameron may succeed in striking so decisive a blow that it will bring this unhappy combat to a close. A very general impression exists in the native mind that this result is likely to be obtained, as they are apparently satisfied that the insurgents are determined to maintain to the last the entrenched position they now hold. A very few days, perhaps even a few hours, will show whether these expectations are well founded.

4. The tracing which I have the honour to enclose will give your Grace a very good idea of the positions at present occupied by our forces and by the rebel natives.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,  
&c.      &c.      &c.

(Signed) G. GREY.

## No. 20.

No. 20.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 25.)

Government House, Auckland, February 12, 1864.

MY LORD DUKE,

(Received May 13, 1864.)

I HAVE the honour to enclose, for your Grace's information, a return, accompanied by a sketch, showing the total number of adult males inhabiting the shores of the harbour of Tauranga, and the numbers of those who have joined the Waikato insurgents.

2. This return will give your Grace a good idea of the manner in which the turbulent spirits amongst the natives inhabiting different districts separate themselves from the quiet portion of the population, and join the insurgents.

3. The total adult male population of Tauranga consists of 542 souls; of these, 260, or about one half, have joined the enemy. But as the west side of Tauranga harbour is inhabited by people under the influence of W. Thompson, the case of Tauranga, in as far as that side of the harbour is concerned, must be regarded as being exceptional. Its total male population consists of 330 souls, and of these, 230, or about two thirds, have joined the insurgents; whilst on the east side of the harbour, which may be regarded as being upon the whole a well-disposed district, the total male population consists of 212 souls, of whom only 30, or about one-seventh part of the male population, have taken up arms against us.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,  
&c.      &c.      &c.

(Signed) G. GREY.

Enclosure in No. 20.

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Encl. in No. 20.

RETURN, furnished by Mr. T. H. Smith, C.C., Tauranga, showing, in connexion with accompanying sketch, the number of natives who have joined the Waikato insurgents,

| Number on Sketch, showing Localities. | Names of Native Settlements.                                                                       | Adult Males gone to Waikato. | Total Adult Male Population. |
|---------------------------------------|----------------------------------------------------------------------------------------------------|------------------------------|------------------------------|
| EAST SIDE OF TAURANGA.                |                                                                                                    |                              |                              |
| 1                                     | { Maungatapu - - - - -<br>Ohinekahu - - - - -<br>Auhi Tokitoki - - - - -<br>Te Apititu - - - - - } | 5                            | 73                           |
| 2                                     | { Poike or Hairini - - - - -<br>Paihakina Ranana - - - - -<br>Okaeke Tongaparaoa - - - - - }       | 18                           | 53                           |
| 3                                     | { Te Matapihi Tumatanui - - - - -<br>Karikari, Te Mania, Te Ruawahine - - - - - }                  | 7                            | 66                           |
| 4                                     | { Opoutea - - - - - }                                                                              | —                            | 20                           |
|                                       |                                                                                                    | 30                           | 212                          |
| WEST SIDE OF TAURANGA.                |                                                                                                    |                              |                              |
| 5                                     | Huria Otuawahia - - - - -                                                                          | 18                           | 41                           |
| 6                                     | Otumoetai W Otuatara - - - - -                                                                     | 20                           | 36                           |
| 7                                     | Peterehema - - - - -                                                                               | 19                           | 21                           |
| 8                                     | { Papaoharia Potieiwhi - - - - -<br>Puhekonui Purakatahi - - - - - }                               | 29                           | 41                           |
| 9                                     | Opounui (Te Ngare tribe) - - - - -                                                                 | 4                            | 30                           |
| 10                                    | Matakana, Tuhua, Motiti - - - - -                                                                  | 93                           | 105                          |
| 11                                    | Poututerangi - - - - -                                                                             | 23                           | 27                           |
| 12                                    | Te Ngarue - - - - -                                                                                | 20                           | 21                           |
| 13                                    | Motuhoa - - - - -                                                                                  | 4                            | 8                            |
|                                       |                                                                                                    | 230                          | 330                          |
|                                       | Total East and West - - -                                                                          | 260                          | 542                          |

No. 21.

No. 21.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 26.)

Government House, Auckland, February 12, 1864.

MY LORD DUKE,

(Received May 13, 1864.)

I HAVE the honour to transmit, for your Grace's information, copies of two letters, one from the Bishop of Waiapu, the other from his son, the Rev. Leonard Williams, describing the present state of the native population upon the east coast of this island.

2. From these letters your Grace will find that there are many satisfactory indications of a good state of feeling existing upon the whole amongst these tribes, although there is much excitement in that part of the country at present. Out of the whole population, it appears probable that only 53 men have joined the enemy, and of these only 43 were armed.

3. The natives have been informed that I will receive the deputation they purpose to send here, and which is alluded to in Bishop Williams's letter.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Bishop Wil-  
liams to the  
Colonial Secre-  
tary.  
Tauranga,  
Feb. 1, 1864.  
Rev. L. Wil-  
liams to  
Mr. Edmonds,  
Tauranga,  
Feb. 2, 1864.

Encl. in No. 21.

Enclosure in No. 21.

LETTER from BISHOP WILLIAMS to COLONIAL SECRETARY.

SIR,

Tauranga, February 1, 1864.

IN my letter of the 23rd ultimo I gave a short statement respecting the natives of Waiapu, upon information I had gathered at the moment. I have now the honour to send you further particulars, together with a general account of the position of the natives in this locality.



On my return from Auckland on January 2nd, I found that a runanga was about to be held on the 4th. It was said to be for the purpose of hearing a statement from a deputation just returned from Petane, near Napier, which had succeeded in obtaining the surrender of a king flag, which had been hoisted by a small party there. The opening speeches at this meeting betrayed a great deal of irritation. The natives talked about the intention of the Government to take all their land, and make slaves of them. It was evident that some mischief-makers had been at work, and I found afterwards that one of them is a settler in this neighbourhood. I at once turned the current of feeling by telling them that they were labouring under great misapprehension; that I had seen the Governor upon this very subject, and that his answer was, that the Government would not interfere in any way with those natives who are peaceable, and who neither directly nor indirectly act in opposition to the Government. Mohi Turei, who had lately returned from St. Stephen's School in Auckland, a man of great tact, and who is strongly in favour of the Government, gave a very clear account of the causes which led to this breach with Waikato. After this the meeting went on satisfactorily, and the conclusion arrived at was to send a deputation to the Governor, but first of all to obtain the co-operation of the Napier natives in any course they might take.

In the meantime a report reached us that Pourourangi, a chief of Waiaapu, who went with others to Waikato in August last, had returned home, and it was expected there might be trouble in that quarter. I at once sent off Mohi, who is from Waiaapu. He found that only 13 out of 45 natives had returned, but that they were accompanied by seven from Waikato, one of whom is Te Waharoa, a cousin to Tamehana Te Waharoa. There was no satisfactory account given of those who were missing, but at length a Waikato native, living at Waiaapu, took Waharoa aside, and asked him what was the real state of things. He replied, my mouth is closed by Ngatiporou; but I can tell you that the soldiers have taken all Waikato. He then added, I came to bring back Pourourangi and Te Rangi Kawanoa, and on the road we picked up stragglers, one and two at a time, until the Ngatiporou reached the number of 13. Of the rest I know nothing. It is quite possible the rest may have been killed. Yet these who remain are bent upon enlisting recruits for the war, and they make use of a device which seems to be established among the Waikatos, of magnifying the loss of the soldiers, and of diminishing to the greatest degree their own. Thus it was said that 6,000 soldiers fell at Rangiriri, and of the natives only 35; that the inhabitants remaining in Auckland do not exceed 500; and it was proposed that natives from the coast should go and attack Auckland, while Tamehana keeps the soldiers occupied. It was also reported that 1,000 black soldiers of very diminutive stature have been entrapped by the natives at Maungataniwha.

Much good was produced by the efforts of Mohi, and the large numbers which were first talked of as about to go from Waiaapu and Tokomaru have dwindled down to 53, and some say to 43.

At Tokomaru there are two leading men, Henare Potae, a strenuous supporter of the Government, and Paratene Te Moko, an elderly man, who gives his influence to the war party. In consequence of the proceedings of the latter, Henare Potae has withdrawn from Tokomaru. This Paratene Te Moko came to Turanga last week, for the purpose of stirring up the people to follow those who are gone to Waikato. At the same time there arrived the schooner "Henry," with the deputation who had been to Napier. It was evident that the feelings of the people were becoming much excited. The assurance given by the Governor was losing its effect. Paratene was at work with his marvellous stories from the seat of war, and the mischievous sayings of some of the settlers were repeated, and now the deputation from Napier stated that a white man had told them there that the Queen's intentions are published in the newspaper, that she will take all the land of the natives as well that of those who are living in peace and quietness as of those who are fighting with the Government. I enclose a copy of this statement from one of the natives. This seems to be the most likely course possible to stir up the people against the Government. At a meeting held here on the 27th the effect of this was manifest. Much allusion was made to what Englishmen had said to them, and such sentiments as these were put forth "Me whawhai kei kaha ana te tangata," and "Emgari kia mate whakatane," "Let us fight while we have strength remaining," and "Let us die like men." This outburst of feeling cooled down, and the opinions of the body were in agreement with their first wish, to go quietly and have an interview with the Governor.

Under these circumstances I have encouraged this wish. The best way for them to be disabused from erroneous statements is that they should receive their information in a manner which admits of no doubt. Connected with a wish to be assured of their safety from those evils which the hostile natives are bringing upon themselves, a desire has been expressed by them to use their influence with the Waikato natives to induce them to accede to the terms of the Governor. This is the course they adopted two years ago when solicited by Ngatipaoa to rise en masse and join with Waikato. It is possible there may be no opening for such a step, or the Governor may not wish to have any interference from other tribes. But in case the Governor should desire to avail himself of such instruments, there are, I believe, no natives in the country more likely than those of Ahuriri, and of Poverty Bay, to carry influence with those of Waikato. This, however, I consider to be secondary in importance, compared to the necessity of giving assurance to a body of natives whose better disposition has been most unwisely tampered with. I write then at the request of these natives to ask if his Excellency will be willing to give them the interview they ask for. If the Governor is graciously pleased to accede to their wishes, may I beg that an answer may be sent by return of the "Tawera," which may probably be not more than two days in Auckland, because they will anxiously wait for an answer to this letter.

While the runanga was together a report was brought that a native from Te Wairoa had just effected the purchase of part of a keg of powder, for the sum of 6*l.*, from a Turanga native, the said powder being intended for use at Waikato. A party of ten natives was immediately despatched in pursuit of the purchaser, with the hope of getting the powder back.

I see by a statement in the "Southern Cross" of January 15th that the settlers in this Bay are said to have lately experienced much trouble from the natives, and that they would be glad to have protection, and would in fact give half they possessed for it. If the author of this statement be a settler who was passenger by the "Kauri," it is rather inconsistent that he should leave his wife and

NEW  
ZEALAND.

two children in a house by themselves in a lonely situation. I enclose a note I have received from Mr. Harris, the oldest settler here, which, I believe, expresses the opinion of the majority of the English population, and is adverse to the printed statement.

'The Hon. the Colonial Secretary, Auckland.

I have, &c.  
(Signed) WILLIAM WATAPU.

Tenei tetahi korero i rongu matou ki nga Pakeha o Nepia.

He korero hou,

Na Kuiui te korero i roto o te nuipepa. Kia tangohia noa tia e ia nga kainga o nga Maori e whawhai ana, o nga taugata e noho noa aha koa kupopa ko taugohir noa tia e ia.

He kaharawa tana korero o nga Pakeha, o Nepia.

Tenei hoki tetahi korero no nger Pakeha ano o Nepia.

Ko matou kaipuke, kaore e puta atu ki Akarana ; ka puta atu, ka hewa.

Kamutu, enei korero.

Nakie na Aperahoma Mata whaiti

TURANGA.

MY DEAR SIR,

Turanga, Poverty Bay, February 1, 1864.

IN answer to your question as to "whether I consider the settlers here feel themselves unsafe" from native aggression, are living in fact in fear of their lives," I answer, that I believe there is no fear of molestation. We do not require at present more protection than the Government can give by moral suasion. I think the party who made the statement published in the "Southern Cross" of 15th of January last, as to the state of dread in which the settlers here are living, had much better have held his peace, and not have attempted further excitement.

To the Bishop of Waiapu.

I have, &c.  
(Signed) J. W. HARRIS.

COPY OF LETTER from REVEREND LEONARD WILLIAMS to Mr. EDMONDS in AUCKLAND.

MY DEAR SIR,

Turanga, 2nd February 1864.

BEFORE I touch upon other subjects, I must give you a few words about our position in this district as regards the Maori population. The "Tamera" and "Kauri" both arrived here last Saturday, after calling at Tauranga on their way down; and from the papers brought by these vessels we learn for the first time that "a rising is impending" in this district; that we would be glad to have protection, and that we would in fact give half we possess for it. Now whatever may be the opinion of any of the settlers here as to the probability of a rising, I do not know of any one who is so anxious for protection that he would give half he possessed for it. Indeed I have good reason to believe that the opinion of all those who are most competent to give an opinion on the subject is that there is no rising at present impending, any more than there appears to be at the Bay of Islands at present. The worst that has been broached here among the natives is the idea of some few fiery spirits going off to Waikato; but I am not aware that the idea has really been seriously entertained by any one. At all events if it has been it has been dropped immediately, from the certainty of the opposition which it would meet with from the bulk of the people. There may, for aught I know, have been a great runanga at Wairoa, but the fact of its having been attended by eighty natives from this district is news to us. Two vessels left, about the time spoken of, for Napier, with cattle and horses for the Napier market, and this circumstance may have given rise to such a report. The very worst thing that could happen to us now would be the arrival of soldiers to afford us that protection which we are represented as so anxious to obtain. One of the oldest settlers in the district said, with reference to this, that he would be very sorry to give one-half of his possessions to make sure of his losing the other half. One settler was passenger to Auckland by the "Kauri," leaving his wife and children in a somewhat lonely situation, evidently placing implicit confidence in the good behaviour of every one in the neighbourhood. If this was the informant of the "Southern Cross," his conduct will hardly bear out the statement which he has made. The case is somewhat different at the East Cape, though there they have not got quite so far as "a rising." The kingites have been very overbearing in their manner since the return home of some of the party that went to Waikato some months ago; but I am happy to say that the latter have not been so successful in their errand as was at first anticipated. The numbers likely to go back to Waikato have been variously stated at 400, 300, 200, 100, and, lastly, on very good authority, we hear that there are no more than 53, 43 of whom are armed. Many who had intended to go have concluded to stay, because they have found out from other sources that the statements of their friends from the seat of war are not altogether to be relied on.

You will see from what I have said that we are not quite reduced to such straits as we are represented to be. I have omitted one circumstance which will serve to show the present mind of the Turanga natives. A few days since a Maori from the Upper Wairoa came and purchased part of a keg of powder from a Maori in this neighbourhood, for which he gave 6*l*. As soon as the circumstance became known, the runanga despatched ten men to give chase to the purchaser, and to recover the powder, if possible, because, as they said, they were anxious that this district should not be compromised. They call themselves always "Kupapa," as being partisans of neither side.



No. 22.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

NEW  
ZEALAND.  
—  
No. 22.

(No. 27.)

Government House, Auckland, February 15, 1864.

MY LORD DUKE,

(Received May 13, 1864.)

I HAVE the honour to enclose, for your Grace's information, the copy of a Despatch I have received from Lieut.-General Cameron, C.B., reporting the details of an action with the rebel natives which took place on the Mangapiko river on the 11th instant, in which they suffered considerable loss.

Lieut.-Gen.  
Cameron to  
Sir G. Grey,  
Te Rore,  
Feb. 13, 1864.

2. Your Grace will read with pleasure the gratifying testimony which General Cameron bears to the gallantry and zeal displayed by all the officers and men, both of the regular and colonial forces, who were engaged on this occasion.

His Grace the Duke of Newcastle, K.G.,

I have, &amp;c.

(Signed) G. GREY.

&amp;c. &amp;c. &amp;c.

Enclosure in No. 22.

Encl. in No. 22.

Lieutenant-General CAMERON to the GOVERNOR.

SIR,

Head Quarters, Camp Te Rore, February 13, 1864.

\* Lieut.-Colonel Sir H. Havelock, Bart.;  
Captain Jackson, Forest Rangers; Captain  
Von Tempsky, Forest Rangers.

I HAVE the honour to forward, for your Excellency's information, copies of reports received from Colonel Waddy, C.B., and other officers (as named in the margin\*), of a skirmish which took place

on the 11th instant on the Mangapiko river.

Having been an eyewitness to the engagement, I can fully corroborate the favourable report given by Colonel Waddy, C.B., and Lieut.-Colonel Sir H. Havelock, Bart., of the conduct of all the troops engaged.

I beg more particularly to bring to your favourable notice the gallantry displayed by Captains Jackson and Von Tempsky, and the officers and men of the Forest Rangers, under their command.

Lieut.-Colonel Sir Henry Havelock exhibited the greatest zeal and gallantry throughout the engagement, the successful result of which is in great measure to be attributed to the skill with which he directed the movements of the skirmishers, and intercepted the retreat of the enemy.

I have, &amp;c.

D. A. CAMERON,  
Lieut.-General.

His Excellency  
Sir George Grey, K.C.B.,  
&c. &c. &c.

From Colonel WADDY to the Assistant Military Secretary, Te Rore.

SIR,

In front of Paterangi, February 12, 1864.

I HAVE the honour to report, for the information of the Lieut.-General Commanding the Forces, that about 3 p.m. yesterday a party of about 50 men of the force under my command were proceeding to bathe in the river at a point some 500 yards to the right rear of this camp, when they were fired upon by a party of the enemy, who lay concealed in the fern on the opposite side of the river. The covering party of 20 men, under an officer of the 40th Regt., returned the fire. Upon hearing which I at once sent off 50 men to reinforce this party. A very sharp fire was kept up by both sides for some time, the Maories falling back. Seeing that a considerable number of the enemy were scattered about the flat near the river, I sent out further reinforcements, till about 200 men were engaged.

Owing to the broken nature of the ground, and the high and thick fern, the troops could advance but slowly, and had great difficulty in finding where the enemy lay. After the greater number of the enemy had retired, I recalled the troops, as soon as all our killed and wounded were carried off the field, except one of the 40th Regt. 10 dead and two wounded Maories were also brought into our camp, but several more were left on the field. Lieut.-Colonel Sir H. Havelock, Bart. (who was engaged with the troops from the time they first went out till their return to camp, about half past seven p.m.) reports having counted 28 dead of the enemy; and, from the reports of other officers, I believe five or six more are killed. I have much pleasure in stating that all officers and men turned out with the greatest alacrity, and those engaged behaved very much to my satisfaction. I estimate the force of the enemy at about 150. I beg to enclose a return of casualties. The body of the man of the 40th Regiment who was missing yesterday was recovered this morning, brought into camp, and interred with the other dead. The bodies of the enemy killed have been handed over to a party of their own, in compliance with the orders of the Lieut.-General Commanding the Forces.

I beg to enclose a report from Sir H. Havelock, Deputy Assistant Quartermaster General, who was senior officer with the troops actually engaged.

I have, &amp;c.

(Signed) R. WADDY,

Colonel Commanding in front of Paterangi.

J. D. Baker, Captain,  
Assistant Military Secretary.

NEW  
ZEALAND.

LIEUT.-COLONEL H. M. HAVELOCK to COLONEL R. WADDY, C.B., Commanding the Advanced Camp near Paterangi.

SIR,

Camp before Paterangi pah, February 12, 1864.

HAVING been directed by the Lieut.-General commanding to report on the successful skirmish of yesterday, on both banks of the Mangapiko river, I have the honour to state that about 2.30 p.m., on an alarm that a bathing party had been suddenly fired on from an ambush by apparently 100 Maories detached from the Paterangi pah, the inlying picquets of 40th and 50th Regiments, at this camp, turned out promptly, and hastened to the scene, being reinforced immediately by parties of both regiments as fast as the men could seize their arms.

2. The Maories retired along the left bank, and a sharp running fight soon commenced between them and the foremost pursuers.

3. Finding themselves so readily met, they took post, while endeavouring to gain their pah, on the site of an ancient entrenchment called Waiari, where the high mounts and deep ditches of an old fortification, densely overgrown with thick cover, gave them, together with their intimate knowledge of the ground, great advantage.

4. On reaching the level plain under Paterangi, after crossing the Takoutu stream, I found that the pursuit and fight had gone to my right. But as there were threats of large bodies sallying out to cut off those of our men whose eagerness had carried them farthest to the front, I collected every available soldier of both regiments, and formed them up in chain of skirmishers and supports to watch this flank.

5. Soon after, a considerable party under Captain Honourable F. le Poer Trench, 40th, having assured our left and rear, I moved rapidly down to where our leading men were hotly engaged and pressed. They were commanded by Captain Fisher, 40th, who had hastened here earlier with a few men. Captain Heaphy, Auckland Rifle Volunteers, and Captain Jackson, Forest Rangers (both accidentally on the spot), had lent their services, and reinforced him with some 30 men of the 40th and 50th.

6. These parties, that which I myself brought up, and one under Ensign King, 40th, united, had now the happiness to come full on the main body of the Maoris, retiring towards Paterangi. We turned them back to the shelter of the ancient earthwork above mentioned, which is singularly placed in a double loop of the Mangopiko.

7. Major Bowdler's party of 40th, who had moved down the right bank, were firing on the front of the Maories from across the river. Our arrival on their rear effectually hemmed them in, and sealed their fate.

8. After much hot firing we were able to dash across the river into the entrenchment, over a bridge formed of a single plank. The banks are here from 40 to 60 feet high, precipitous, and densely wooded.

A series of hand to hand encounters here took place, between the Maories crouching secreted in thick bush, and our men, who displayed, if anything, too keen an eagerness to dash at and close with their lurking enemies whenever visible. This forwardness cost some valuable lives, but the punishment inflicted on the Maories was sharp and telling, and read them a severe lesson.

9. At the time some 20 men of the Forest Rangers (both companies) arriving from the head-quarter camp materially assisted in hunting out and destroying the enemy.

10. Eventually every Maori that could be discovered, being either killed or wounded or made prisoner, the work of removing our wounded (most difficult from the narrowness of the planked bridge) and of securing their dead commenced.

11. Two large parties of the enemy now approaching through thick bush endeavoured to intercept this. It became necessary to throw Captain Fisher's party, with which were Lietenant Simeon and Ensign King, again on the right bank, where they most steadily covered this operation under a sharp cross-fire.

12. Finally, near dark, all our wounded having been removed, and as many as possible of the Maori dead brought in, the skirmishers were gradually withdrawn, file by file, across the plank bridge, and the troops moved slowly, taking every advantage of ground, towards camp.

13. This very successful affair cost the Maories 28 men killed (counted), and two wounded and prisoners in our hands. Both these are said to be chiefs. Our loss was five killed and six wounded (one since dead).

The effect on the Maories of their insidious attempt at ambuscade being thus promptly met, and signally and completely frustrated, with their heavy loss in dead, cannot but be salutary.

\* Present:—Brev.-Major Bowdler, 40th Regt.; Capt. Hon. F. le P. Trench, 40th; Capt. Fisher, 40th; Lieut. Simeon, 40th; Ensign King, 40th; Capt. Doran, 50th; Lieut. Leach, Acting Staff Officer to Colonel Waddy, C.B., 50th; Ensign Campbell, 50th.

14. \* It becomes my pleasing duty as senior officer, accidentally on the spot, to report that nothing could have been better than the behaviour of men and officers engaged. Where the forwardness of all was distinguished it is enough to name the officers present.

15. But I would beg specially to bring to notice Assistant Surgeon Stiles, 40th Regiment, to whose assiduity in caring for the wounded in the most exposed situations and under sharp fire their safe and early removal to camp is mainly attributable.

16. Captain Heaphy, Auckland Rifle Volunteers, took charge of a party, and ably directed it. In gallantly assisting a wounded soldier of the 40th, who had fallen into a hollow among the thickest of the concealed Maories, he became the target for a volley at a few feet distant. Five balls pierced his clothes and cap, and he is slightly wounded in three places. Though hurt himself he continued to aid the wounded to the end of the day.

Captain Jackson, Forest Rangers, gave great assistance; and Captain Von Temsky, when I directed him to relieve the soldiers, who had been skirmishing for hours, covered the extreme rear of our march with much coolness and judgment.

I have, &c.

H. M. HAVELOCK, Lieut.-Colonel,  
Deputy Adjutant Quartermaster General.



FROM CAPTAIN JACKSON to the ASSISTANT MILITARY SECRETARY.

SIR,

Camp Te Rore, February 12, 1864.

NEW  
ZEALAND.

IN accordance with instructions, I have the honour to report, for the information of the Lieutenant-General commanding, that yesterday morning, in company with Captain Heaphy, I started to look at the enemy's position at Paterangi; that, whilst in Lieutenant-Colonel Havelock's tent, we heard some heavy firing on the Manga Piko. We immediately proceeded to the scene, and I led a party of soldiers to the rear of the enemy, and thus cut off their retreat. Whilst there we shot several natives. Some of them drifted down the river, and three I pulled on shore. One of the natives snapped both his barrels at me, and I shot him with my revolver, took his gun, and brought him across the river. Whilst there, I noticed several natives concealed in the thick scrub on the edge of the river, and thought that a few of the Forest Rangers would be useful in driving them out of it. I therefore, with the permission of the Lieutenant-General, sent for all who were in camp, about thirty-five, and they arrived about four or five o'clock p.m., under the command of Captain Von Tempsky. I took them to the place where the enemy were concealed, and instructed them to go down and search for the natives, which they did, and in about ten or fifteen minutes they brought up five natives, whom they had killed, and two who were wounded. The wounded were carried to the nearest camp.

J. D. Baker, Captain,  
Acting Assistant Military Secretary.

I have, &c.  
(Signed) WILLIAM JACKSON,  
Captain Commanding Forest Rangers.

FROM CAPTAIN VON TEMPSKY to the ASSISTANT MILITARY SECRETARY.

SIR,

Camp Te Rore, February 12, 1864.

I HAVE the honour to report, for the information of the Lieut.-General Commanding the Forces, that on the 11th instant, at three p.m., an orderly arrived in camp with orders for the Forest Rangers to proceed immediately to the front. Forty men of the two companies being absent on duty (burning fern), and Captain Jackson being at the front already, I proceeded with 35 men of both companies to the scene of action on the Mangapiko creek. On arriving at the extreme right flank of our position, I met Captain Jackson, who informed me that there were natives in a thicket on the river bank. Colonel Havelock then ordered me to dislodge these natives. My men, with promptitude, surrounded the thicket, and entering the same, revolvers in hand, extracted in a short time seven natives, which they had killed at close quarters, after a good deal of a resisting fire from those same natives. We carried seven bodies up to the bank, laying them in a heap. Two of the same number, showing signs of life, were carried to our nearest redoubt, one of them dying on the road; the latter was laid with nine bodies brought in previously by the regulars. My men behaved with coolness, judgment, and alacrity, particularly in covering the orderly retreat of the forces.

J. D. Baker, Captain,  
Acting Assistant Military Secretary.

I have, &c.  
(Signed) D. G. F. VON TEMPSKY,  
Captain Forest Rangers, No. 2 Company.

NOMINAL RETURN of killed and wounded of the troops (40th and 50th Regiments) at Paterangi,  
February 11, 1864.

| Corps. | Regimental No. | Rank and Names.        | Age. | Service. | Date of Death. | Place of Death. | Nature of Injury.                                         | Result.     | Remarks.            |
|--------|----------------|------------------------|------|----------|----------------|-----------------|-----------------------------------------------------------|-------------|---------------------|
| 40th   | 360            | Private John M'Doole - | 33   | Yrs. 17  | Feb. 11, 1864  | Paterangi       | Penetrating wound of chest, through the heart.            | Killed.     | —                   |
| "      | 63             | " Henry Blake -        | 24   | 6        | Do.            | Do.             | Gunshot wound through the head.                           | Do.         | —                   |
| "      | 525            | " George Cooper -      | 22   | 3        | Do.            | Do.             | Perforating wound of chest, through the heart.            | Do.         | —                   |
| "      | 3192           | " Michael Cahill -     | 30   | 11       | Do.            | Do.             | Gunshot wound of face and base of skull.                  | Do.         | —                   |
| "      | 38             | " James Bready -       | 25   | 6        | -              | -               | Gunshot wound through hand and left wrist joint.          | Very severe | Fore arm amputated. |
| "      | 3564           | " James Robins -       | 28   | 9        | -              | -               | Flesh wound of left hand.                                 | Severe.     | —                   |
| "      | 413            | " Joseph Spriggs -     | 21   | 3        | -              | -               | Gunshot wound in right iliac region; ball lodged in bone. | Do.         | Ball extracted.     |
| "      | 30             | " John Peaton -        | 24   | 6        | -              | -               | Gunshot flesh wound through nape of neck.                 | Slight.     | —                   |
| "      | 2949           | " John Meighan -       | 38   | 13       | -              | -               | Flesh wound of left leg.                                  | Do.         | —                   |
| "      | 182            | " Thomas Sullivan -    | 24   | 5        | -              | -               | Flesh wound of scrotum.                                   | Do.         | —                   |
| 50th   | 4545           | " James Cussen -       | 28   | 8        | Feb. 11, 1864  | Paterangi       | Perforating wound of chest over the heart.                | Killed.     | —                   |
| "      | 596            | " William Baile -      | 22   | 5        | Do.            | Do.             | Gunshot wound through the heart and head.                 | Do.         | —                   |
| A.V.R. | —              | Captain Charles Heaphy | —    | —        | -              | -               | Gunshot flesh abrasion of left side and arm.              | Slight.     | —                   |

Head Quarters, Camp Te Rore, N.Z.,  
February 12, 1864.

J. MOUTAT,  
Dep. Insp.-Gen., Prin. Med. Officer.

NEW  
ZEALAND.  
No. 23.

No. 23.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 28.)

Government House, Auckland, February 15, 1864.

MY LORD DUKE,

(Received May 13, 1864.)

Mr. Main-  
waring to the  
Col. Sec., Te  
Rore, Feb. 12.  
1864.

I HAVE the honour to enclose, for your Grace's information, a copy of a letter from Mr. Mainwaring, dated the 12th instant. I thought it desirable that a friendly chief of the name of Te Ao-o-te Rangi, connected with the Waikato tribes, should be allowed to communicate with the enemy who are now in front of the General's position, with a view of inducing some of his own people to give up their arms, and to return to their allegiance.

2. Your Grace will find that he reports that the Waikato natives evinced a good disposition, but that other tribes, such as the Ngatiraukawa, who have hitherto suffered little from the war, are overbearing and threatening, stating that they are getting weary of waiting for the General to attack their entrenched positions, and that if he did not shortly do so they would commit murders.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Encl. in No. 23.

Enclosure in No. 23.

SIR,

Te Rore, Waipa, February 12, 1864.

I HAVE the honour to report, for information of the Government, that yesterday afternoon a party of the 40th went to bathe in Mangapiko, under the protection of a covering party. A party of natives (about 50) immediately came out of the pa at Paterangi, and crawled up and fired at the bathers. The natives were surrounded by the soldiers, and a sharp engagement ensued; four of our men killed, two seriously wounded. At 7 p.m. last night 10 natives were picked up dead, two seriously wounded. They have been searching for bodies again this morning, and I hope to be able to find out the result in time for the mail this afternoon. Only a very small number could have escaped unhurt.

I have since found out that the native loss is 34 killed and a large number wounded. Two Maories came with a white flag to look for dead bodies, saying, "Peace to day; war to-morrow." I ascertained from them that their intention was to attack Col. Waddy's camp at daylight this morning; in conjunction with another force from Paterangi. They fancied that they had been discovered in their ambuscade, and consequently fired on the bathers. I do not think that any chief of note was amongst them.

Te Ao-o-te-Rangi returned this morning from Pikopiko Pa. He found Waikato natives quiet, but Ngatiraukawa and others who have not already suffered were excessively bouncible in their speeches, telling him that they were tired of waiting, intimating that they would commit murders, &c., if the General did not attack their pas.

I have to acknowledge with thanks your permission for me to go to town. Under the circumstances I think it would be better for me to remain; anyhow till we get to Rangiaohia.

I have, &c.  
(Signed) R. C. MAINWARING.

The Hon. the Colonial Secretary.

No. 24.

No. 24.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 29.)

Government House, Auckland, February 17, 1864.

MY LORD DUKE,

(Received May 13, 1864.)

Statement by  
Wiremu Nero.

I HAVE the honour to transmit, for your Grace's information, a very interesting account which has been written by the chief Wiremu Nero of his visit to the position of the rebel natives after the occupation of Ngaruawahia by our forces.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Encl. in No. 24.

Enclosure in No. 24.

## ACCOUNT of WIREMU NERO'S VISIT to MAUNGATAUTARI.

I started from Raglan and arrived at Whatawhata, and then went to Ngaruawahia, to the General. I expected to find Tamehana and Te Wharepu at Ngaruawahia, and also the Governor, but when I arrived I found that they were not there. When the General heard that pas were being built, he said to us. "I shall go to Whatawhata. I do not like this place. I thought that when I arrived at



"Ngaruawahia it (the war) would end here. Now they are still determined on fighting. I have no thought about the Waikatos; the Waikatos are dead (utterly defeated); but the Ngatimaniapoto still survive."

I replied, "What you say is correct. Perhaps I had better go to Maungatautari." He said, "Very well; it rests with you, only don't say that I sent you. You go out of compassion for your race."

The General gave up the idea of going to Whatawhata, and left the days to us (*i.e.*, to give them an opportunity of going to see the natives at Maungatautari and elsewhere.)

I said to the General, "Farewell; if they agree to peace, well and good. If they are obstinate, the law will overcome them."

We went, and arrived at Maungatautari. They had finished their pa; the name of that pa is Te Tiki-o-te-ihinga-arangi.

They had a tangi when we arrived, and then Karaha Te Taniwha, of the Ngatimahuta, stood up, and made a speech, bidding adieu to the Waikato prisoners.

Patara stood up, and said, "Welcome, my son, welcome."

I could not see that there was any good in his speech; it was bad in fact (*i.e.* warlike).

I said, "What is to be done about the Waikatos who are in prison over there?" The reply was "What do we care?"

Tamehana stood up and said, "Welcome, friend; welcome; welcome sons. I don't say that peace is made. The gift (Koha) to your fathers and younger brothers is this, Meremere has been given up, and Rangiriri and Paetai and Rauwhitu, and Ngaruawahia and this flowing stream. They are my gift to your fathers and brothers; as for me, I shall remain here. If the Governor follows me here, I shall fight. If not I shall remain quiet."

"However, when peace is made let it include Waikatos, Ngatimaniapoto, and Taranaki. Then only would it be good. But if the General goes to Waipa to (attack) the Ngatimaniapoto I shall be there."

Wi Nero—"Friend, those were your words at the commencement, and even up to the present time, that is, up to the time of the war, and the result is the land has been taken, Waikato captured, and the men slain, and now you again make use of the same words, and to-morrow there will be the same thing over again. Why have you no compassion for Waikato? Why leave your fathers, brothers, and your tribe in prison?"

On the following day the Waikatos came. There was a tangi, after which Te Kawana stood up, and said, "Welcome, son, welcome; let your father and brothers remain where they are. They are the captive descendants of Terewai" (an ancestor of the Waikatos, who was taken prisoner, and afterwards effected his escape).

Enough. They showed no pity for the captives. I heard nothing about peace. Hikaurua went to demand the guns, and also the murderers, but they would not consent (to give them up).

Enough. We got up and came away. We went on to Pikopiko and Paterangi, and staid with Hori Te Waru, Hone, and the Waikatos. When the Ngatimaniapotos heard of my arrival they came to the number of twice seventy. On their arrival they all showed themselves; six hundred stood up.

Hoani Papita stood up, and recited a song.

(Song.)

He said that peace should not be made; that if they were exterminated it should be in Waikato.

Porokoru stood up and said, "Welcome, welcome, son. Peace shall not be made. If we are to die we will die in Waikato."

Tikaokao stood up and said, "Welcome, my younger brother. I shall not be taken to the mountains" (shall not fly to the mountains), "I shall remain here, and if I die I shall die with the Waikatos."

Hari stood up and said, "O my elder brother, I shall not go. Shall Waikato die, and I survive? I shall stay here. What matter about those prisoners?"

I (Wi Nero) stood up and said, "It is well you have forsaken the path of life, and have taken the road to death. Shall Waikato die, and you live; die together, and if you are against it, that is, if the law spares them, they may become friends with the Government. You have set yourselves against us and the Governor. If the law says that they must die, they will die; if the law says that they are to live, they will live. It rests with the Governor. If you are still determined to do evil, the General will very quickly come and fight you."

I know therefore that there will be no peace. By-and-by there may be, when they have suffered.

This was all. I returned to Whatawhata on the Monday. The General came, and I agreed that Hetaraka and Mohi should go to point out the bad places (to act as guides).

After we left the General occupied Tuhikaramea.

No. 25.

No. 25.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 33.)

Government House, Auckland, February 23, 1864.

MY LORD DUKE,

(Received May 13, 1864.)

ADVERTING to my Despatch No. 27,\* of the 15th instant, enclosing for your Grace's information a copy of a letter from Lieutenant General Cameron, C.B., reporting the details of an action with the rebel natives on the 11th instant, I have now the honour to transmit a copy of another letter I have received from the Lieutenant General, relative to the same skirmish, and enclosing a report from Brevet Major Bowdler, 40th Regiment,

D 3

\*Page 25.

Gen. Cameron,  
C.B., to Sir  
G. Grey.

Te Rore,  
Feb. 19, 1864.

NEW  
ZEALAND.

who as field officer of the day commanded the picquets of the 40th and 50th Regiments which successively reinforced the small covering party under Lieutenant Simeon, 40th Regiment.

His Grace the Duke of Newcastle, K.G.  
&c.                      &c.                      &c.

I have, &c.  
(Signed) G. GREY.

Encl. in No. 25.

Enclosure in No. 25.

SIR,

Head Quarters, Te Rore, February 19, 1864.

SINCE I forwarded my Despatch of the 13th instant, relative to the skirmish which took place on the banks of the Mangapiko creek, I have received the enclosed report from Brigade-Major Bowdler, 40th Regiment, who, as field officer of the day commanded the picquets of the 40th and 50th Regiments, which successively reinforced the small covering party under Lieut. Simeon, 40th Regiment.

I forward this report to your Excellency, feeling sure that you will be glad to know all the details of an engagement reflecting so much credit on all who took part in it, but the brunt of which fell chiefly on the 40th Regiment. This corps behaved throughout with the greatest gallantry and intelligence.

To his Excellency Sir George Grey, K.C.B.,  
&c.                      &c.                      &c.

I have, &c.  
(Signed) D. A. CAMERON,  
Lieut.-General.

SIR,

Camp before Paterangi, February 12, 1864.

I HAVE the honour to inform you that yesterday about 2.30 o'clock p.m. Lieutenant Simeon, 40th Regiment, proceeded in charge of a covering party of 20 men for the protection of men bathing from this camp in an adjacent stream which communicates with the River Mangapiko. When posting his sentries the party was fired upon by a body of Maories lying in ambush in thick ti-tree scrub, on the opposite side of the stream. The enemy's fire was returned, and the Maories retired towards the old Maori pah (Waiari).

As field officer of the day, on hearing firing I immediately got the inlying picquets under arms, and a party of 50 men, under Captain the Hon. F. Le Poer Trench, 40th Regiment, and Ensign King, 40th Regiment, was detached to the left, so as to partially intercept the retreat of the enemy in that direction, and to prevent their receiving reinforcement from their stronghold (Paterangi), which is in the vicinity.

Captain Fisher, 40th Regiment, with a party of about 30 men, moved across the stream towards the old Maori pah (Waiari), from whence he saw a continuous fire kept up on our skirmishers, then extended on the left. Approaching the pah on his right, he crossed the Mangapiko river by a broken canoe bridge, and thereby succeeded in entering the pah from the rear, cutting off the enemy's retreat, and killing about a dozen of them in the course of an hour, when Colonel Sir H. Havelock ordered him to proceed to the right bank of the river in charge of the skirmishers.

Captain Heaphy, Auckland Volunteers, rendered this party invaluable assistance in recovering our wounded, and in so doing was himself wounded.

Having despatched the above-named parties, I proceeded with about 50 men towards the scene of action, Lieutenant Leach, 50th, and Lieutenant Morgan and Ensign Gormez, 40th, accompanying me.

Leaving Lieutenant Simeon and his party at the head of a large gully running up towards the river, so as to keep open an easy and direct communication in our rear, I moved to the extreme right, seeing that some of the enemy were retiring in that direction from the old Maori pah (Waiari) on my left.

At about 4 o'clock p.m. our force was augmented by Captain Doran, 50th Regiment, and Ensign Campbell, 50th, with about 30 men, who reinforced the skirmishers under Captain Fisher. One of the skirmishers having attracted the attention of others to a man of the 50th who was wounded and half drowning in the stream, Captain Doran, 50th, hastened to the rescue, lifted him out of the water, and succeeded in having the man taken into the camp alive, where, I regret to say, he afterwards expired. About an hour before dusk we were again reinforced by the Forest Rangers under Captain Jackson and Captain Von Tempsky. I cannot speak too highly of the dashing manner in which they behaved, and the assistance they rendered, also the manner in which they co-operated with me in covering the withdrawal of the troops at dusk, as did also Captain Doran, 50th Regiment, and his party. I much regret that our casualties have been so severe, but from the nature of the skirmish, and difficulties encountered through the formation of the ground, and thick fern and scrub in the gullies, they were unavoidable.

The loss of the enemy I estimate at about 35 killed and wounded, and the number engaged at about 200.

Many stands of arms were captured by us; also ammunition, pouches, &c., fell into our hands.

It is with the greatest pleasure that I now record the unparalleled gallantry and soldier-like coolness exhibited by all engaged in the affair, and the praiseworthy conduct of the troops throughout, which was not to be surpassed.

I beg to bring to your notice the names of the following officers; viz., Captain the Hon. F. Le Poer Trench, 40th Regiment; Captain Fisher, 40th Regiment; Captain Doran, 50th Regiment; and Lieutenant Simeon, 40th Regiment; who each in their different positions behaved in a manner worthy of approbation. Also Lieutenant Leach, 50th Regiment, who rendered me every assistance in conveying



orders; and Assistant Surgeon Styles, who, under a sharp fire, paid every care and attention to the wounded, and was ably assisted by Hospital Sergeant John Hollett, 40th regiment.

NEW  
ZEALAND.

To Colonel Waddy, C.B.,  
Commanding Camp before Paterangi.

I have, &c.  
(Signed) JOHN BOWDLER,  
Brigade Major, 40th regiment, Field Officer of the day.

No. 26.

No. 26.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 34.)

Government House, Auckland, February 27, 1864,

(Received, May 13, 1864.)

MY LORD DUKE, (Answered No. 55, 23 May 1864, page 45.)

I HAVE the honour to enclose, for your Grace's information, a copy of a report I have received from Lieut.-General Cameron of the operations of the force under his command upon the 21st and 22d instant.

Lt.-Gen. Came-  
rou to Sir  
G. Grey,  
Feb. 25, 1864.

2. Your Grace will be glad to find that these operations, which were most skilfully and successfully conducted, resulted in the occupation of the important position of Rangiaohia, and the complete rout of the rebel natives on the 22d instant, who fled precipitately in the direction of Maungatautari, leaving almost everything but their arms behind them.

3. The terms in which General Cameron speaks of the admirable conduct of all the officers and men engaged in these operations will I am sure be most gratifying to your Grace; and I am happy to be able to add, that by the last accounts Lieut.-Colonel Nixon, of the Colonial Defence Force, who General Cameron states to have been so severely wounded, was doing well, and that there was every prospect of his recovery from his wound.

I have, &c.

His Grace the Duke of Newcastle, K.G., (Signed) G. GREY.  
&c. &c. &c.

Enclosure in No. 26.

Encl. in No. 26.

SIR, Head Quarters, Te Awamutu, February 25, 1864.

I HAVE the honour to report, for your Excellency's information, that at 11 o'clock on the night of the 20th instant I marched with the force named in the margin\* from Te Rore towards Te Awamutu, by a track which crosses the Mangapiko at Waiari.

| * Distribution.                | Field Officers. | Captains. | Subs. | Staff. | Sergeants. | Drummers. | Rank and File. |
|--------------------------------|-----------------|-----------|-------|--------|------------|-----------|----------------|
| Royal Artillery Mounted Corps  | —               | —         | 1     | 1      | 3          | 1         | 35             |
| Colonial Defence Force         | 1               | 2         | 3     | 2      | 3          | —         | 36             |
| Royal Engineers                | 1               | 1         | 2     | —      | —          | —         | 22             |
| 14th Foot                      | —               | —         | —     | —      | —          | —         | 5              |
| 18th "                         | —               | 2         | —     | —      | —          | —         | 5              |
| 40th "                         | —               | —         | —     | —      | —          | —         | 4              |
| 65th "                         | 1               | 4         | 9     | 3      | 24         | 13        | 402            |
| 70th "                         | 1               | 4         | 10    | 3      | 20         | 12        | 348            |
| Forest Rangers                 | —               | 2         | 2     | —      | 4          | —         | 95             |
| Navy and Marines (10 Officers) | —               | —         | —     | —      | —          | —         | 145            |
|                                | 4               | 15        | 27    | 9      | 54         | 26        | 1,097          |

I left Colonel Waddy at Te Rore in command of the remainder of the troops, with orders to continue in the entrenched camp in front of Paterangi Pah until the following night.

I arrived at Te Awamutu at daybreak on the 21st, and immediately pushed on to Rangiaohia, which I found nearly deserted. The few natives who were in the place were completely taken by surprise, and refusing to lay down their arms, fired on the Mounted Royal Artillery and Colonial Defence Force, whom I sent on in advance of the column. The natives were quickly dispersed, and the greater part escaped; but a few of them taking shelter in a whare, made a desperate resistance, until the Forest Rangers and a company of the 65th Regiment surrounded the whare, which was set on fire, and the defenders either killed or taken prisoners.

I regret to say that several casualties occurred on our side, and amongst them Colonel Dixon, commanding the Defence Force, who was severely wounded in endeavouring to enter the whare. Our loss was two killed and six wounded. About 12 natives were killed and 12 taken prisoners.

NEW  
ZEALAND.

I have detained 21 women and children who were found in the village.

Immediately after the settlement was cleared I marched the troop back to Te Awamatu.

At half past four o'clock on the morning of the 21st, a large convoy, escorted by the 50th Regiment, under Colonel Weare, left Te Rore, and following the track through Waiari, which I mentioned above, arrived at Te Awamutu at two o'clock in the afternoon.

Early on the morning of the 22d the officer of the advanced picquet reported that he had seen 700 natives passing along the road from Paterangi to Rangiaohia, where they halted. Natives were also seen on our right at Kihikihi. I therefore determined to march on Rangiaohia the following morning; and in order that my force might be sufficient to occupy that place as well as Te Awamutu, I ordered Colonel Waddy to march the same evening from Paterangi with the force named in the margin.\* But

| * Distribution.              | Field Officers. | Captains. | Subalterns. | Staff. | Sergeants. | Drummers. | Rank and File. |
|------------------------------|-----------------|-----------|-------------|--------|------------|-----------|----------------|
| 18th Regiment - - -          | —               | 1         | 3           | —      | 5          | 3         | 136            |
| 40th Regiment - - -          | 1               | 4         | 6           | 2      | 17         | 10        | 352            |
| 50th Regiment - - -          | —               | —         | 4           | 1      | 6          | 3         | 96             |
| Colonial Defence Force - - - | —               | —         | —           | —      | —          | —         | 6              |
|                              | 1               | 5         | 13          | 3      | 28         | 16        | 590            |

as it was reported to me about noon the same day that a considerable body of natives had advanced from Rangiaohia, and were fortifying themselves on the site of an old pah called Haeirini, a position extremely strong by nature, and blocking the road between Te Awamutu and Rangiaohia, I determined to attack them immediately.

At 1½ o'clock p.m. I advanced on their position with the force named in the margin.†

| † Distribution.               | Field Officers. | Captains. | Subalterns. | Staff. | Sergeants. | Drummers. | Rank and File. |
|-------------------------------|-----------------|-----------|-------------|--------|------------|-----------|----------------|
| Royal Artillery Cavalry - - - | —               | —         | 1           | 1      | 3          | 1         | 31             |
| Colonial Defence Force - - -  | —               | 2         | 3           | 2      | 4          | —         | 38             |
| Royal Artillery - - -         | 1               | 1         | 1           | 1      | 2          | —         | 22             |
| Royal Engineers - - -         | 1               | 1         | 1           | —      | —          | —         | 8              |
| 50th Regiment - - -           | 2               | 8         | 14          | 2      | 23         | 15        | 442            |
| 65th Regiment - - -           | —               | 2         | 5           | 1      | 10         | 4         | 200            |
| 70th Regiment - - -           | 1               | 3         | 7           | 2      | 14         | 7         | 262            |
| Forest Rangers - - -          | —               | 1         | 2           | —      | 4          | —         | 72             |
|                               | 5               | 18        | 34          | 9      | 60         | 27        | 1,075          |

Small detached parties of the enemy, who were posted about a mile in front of Haeirini, having been driven back by the skirmishers, which were composed of companies of the 50th and 70th Regiments, I brought up the two 6-pounder Armstrong guns, under the command of Brevet Lieutenant-Colonel Barstow, to a commanding height about 500 yards from the position.

After several rounds had been fired from these guns with good effect, I ordered Colonel Weare, with the 50th Regiment, to carry the position at the point of the bayonet, having the 65th in support and the 70th in reserve, while the cavalry were formed up on the right, behind the brow of the hill, ready to pursue the enemy.

The 50th were exposed to a very heavy fire in advancing towards the position, which they carried with great gallantry, and I beg to enclose a copy of Colonel Weare's report describing the attack.

The natives fell hurriedly back before the leading files of the 50th could reach them with the bayonet, and retired through a swamp in the direction of the Mangatautari road. The cavalry had an opportunity of charging them as they retreated, and did some execution. They made no further stand, but fled precipitately towards Mangatautari, leaving almost everything but their arms behind them.

I enclose returns of our casualties on this occasion and on the day previous.

I estimate the number of natives who defended the position at Haeirini at 400. Their loss I have not been able to ascertain, but they must have had at least 30 killed.

Leaving the 50th Regiment and two guns under Colonel Weare, near the Catholic Church at Rangiaohia, I withdrew the remainder of the troops to Te Awamutu, where Colonel Waddy arrived with his force at 11 o'clock that night, having, before he left Te Rore, taken possession of the Paterangi pa, which, as well as the one at Pikopiko, was deserted by the enemy in the morning.

I cannot praise too highly the admirable conduct of all the troops, regular and colonial, during the fatiguing night march of the 20th, and the operations of the two following days, but particularly of the Mounted Royal Artillery under Lieutenant Rait, of the Colonial Defence Force under Lieutenant-Colonel Nixon, and afterwards under Captain Walmsley, and of the 50th Regiment, under Colonel Weare.

I deeply regret that the severe wound received by Lieutenant-Colonel Nixon has deprived me, though I trust only for a short time, of his valuable services. The high state of discipline and efficiency of the



Colonial Defence Force, and the eagerness which they invariably manifest to come in contact with the enemy are chiefly due to the example and exertions of that able and zealous officer.

I beg to bring under your favourable notice the invaluable services rendered to the force under my command by Mr. Edwards, of the Native Department, whose information regarding the roads and tracks of this part of the country I have always found most correct. Without his assistance to guide the column, the night march of the 20th could not have been undertaken.

I beg to enclose copy of a report received from Colonel Waddy, C.B., regarding the evacuation of the Paterangi Pa.

I have, &c.  
(Signed) D. A. CAMERON,  
Lieut.-General.

His Excellency  
Sir George Grey, K.C.B., &c.

SIR, Camp near Te Rore, February 22, 1864.  
I HAVE the honour to report, for the information of the Lieut.-General Commanding the Forces, that this morning, about seven o'clock, Captain Saltmarshe, 70th Regiment, commanding at Waiari Redoubt, informed me that he believed the enemy had evacuated the pa of Paterangi. I then sent Lieut.-Colonel Sir H. Havelock, D.A.Q.M.G., to take a nearer look at the place, and as he also reported that he believed the place was evacuated, I proceeded thither with the in-lying picquets (about 120 men), and advanced on the south side, sending 100 men of the 70th on the east side, under the direction of Sir H. Havelock. We entered and occupied the place without seeing one Maori. I have placed 200 men of the 40th Regiment, under Major Blyth, on the highest point of the hill on which the pa is situated; but I have not given them tents.

I found the works of the enemy very strong and intricate. In the centre of the place is a deep well, and I found large stores of potatoes.

I have further to report, that I advanced to a place belonging to a man named McFarlane, about half way between the pas of Paterangi and Piko Piko; this man, McFarlane, reported to me that the enemy had evacuated Piko Piko during last night, and that they had proceeded towards Rangiaohia.

The pa of Paterangi was evacuated at about seven o'clock this morning.

I have, &c.  
(Signed) R. WADDY,  
Colonel Commanding Forces near Paterangi.

To the  
Assistant Military Secretary.

SIR, Rangiaohia, February 23, 1864.  
I HAVE the honour to report, for the information of the Lieutenant-General Commanding the Forces, that with reference to his instructions, conveyed to me personally, for storming the enemy's works on the 22nd instant, I proceeded to carry out his directions in the following manner:—

The enemy's works could only be approached by a narrow road, hemmed in on either side by high fern, through which it was impossible for the men to advance in line or skirmishing order, and necessitating the position being stormed with only a front of four deep, until within a few yards of the trench and rifle pits. This compelled me to advance the whole regiment in a column of four, at the double, over some 350 to 400 yards, under a very severe and concentrated fire from the enemy, most trying to troops in that formation. I ordered a small storming party of 20 men, under Lieut. White, 50th Regiment, to break cover, in the first instance, to endeavour to draw out the first fire of the enemy; this party was almost simultaneously followed up by the storming party, consisting of Nos. 1 and 10 companies, 50th Regiment, under command of Captain Johnson and Captain Thompson respectively, and these three officers entered the enemy's works at the head of their men, at the same time closely followed by the remainder of the regiment.

The nature of the ground and formation left little for the commanding officer to do, but to place the men in the first instance, and leave the officers commanding companies to fight their men; and I am proud to say that officers and men nobly did their duty, under very trying circumstances, and while exposed to a fire that must have caused a very large increase to the list of casualties, had it not been for the dense dust raised by the men doubling, which partially concealed them.

I beg to bring to the notice of the Lieutenant-General Commanding the Forces the names of Captains Johnson and Thompson, and Lieut. White, 50th Regiment.

The medical officers of the regiment, Drs. Davis and Dempster, accompanied the regiment into action, and shared their lot, attending to the wounded as they fell.

I much regret to say that Ensign Doveton, 50th Regiment, fell dangerously wounded by the side of Captain Thompson, while gallantly performing his duty.

I have, &c.  
(Signed) H. E. WEARE,  
Colonel Commanding 50th Regiment.

To the  
Assistant Military Secretary.

NEW  
ZEALAND.

## NOMINAL RETURN of KILLED and WOUNDED of the Troops at Rangiaohia, 21st February 1864.

| Corps.                  | Regi-<br>mental<br>No. | Rank and Name.            | Age. | Service.  | Date of Death. | Place<br>of<br>Death. | Nature of Injury.                                             | Result.    |
|-------------------------|------------------------|---------------------------|------|-----------|----------------|-----------------------|---------------------------------------------------------------|------------|
| 65th Regiment -         | 3,658                  | Private Charles Askew.    | 32   | Years 13  | —              | —                     | Bullet wound entering right eye, passing out behind left ear. | Mortally.  |
| "                       | 2,446                  | Private William Smith.    | 38   | 18 Months | —              | —                     | Wounded by slugs in the face.                                 | Severe.    |
| Colonial Defence Force. | —                      | Lieut.-Col. Nixon         | 50   | 7         | —              | —                     | Penetrating wound of chest; lungs injured.                    | Dangerous. |
| "                       | —                      | Corporal Alexander        | 24   | 7         | 21st Feb. 1864 | Rangiaohia            | Gunshot wound of head.                                        | Killed.    |
| "                       | —                      | Private Alexander McHale. | 20   | 2         | "              | "                     | Gunshot wound of head.                                        | Killed.    |
| "                       | —                      | Private Brady             | —    | 7         | —              | —                     | Gunshot wound of hand.                                        | Slight.    |
| "                       | —                      | Corporal Dunn             | —    | —         | —              | —                     | Gunshot wound of body.                                        | Severe.    |
| Forest Rangers -        | —                      | Private John Bellender.   | —    | —         | —              | —                     | Gunshot wound of abdomen.                                     | Dangerous. |

Capt. Baker,  
Assistant Military Secretary.J. MOUAT,  
Dep. Inspector-General, P.M.O.

## NOMINAL RETURN of KILLED and WOUNDED of the Troops at Rangiaohia, 22nd February 1864.

| No. | Corps.                  | Regi-<br>mental<br>No. | Rank and Name.            | Age. | Service. | Date of Death. | Place<br>of<br>Death. | Nature of Injury.                | Result.    |
|-----|-------------------------|------------------------|---------------------------|------|----------|----------------|-----------------------|----------------------------------|------------|
| 1   | Mounted Artillery.      | —                      | Driver Chas. Tuck         | 22   | Years 4  | 22d Feb. 1864  | Rangiaohia            | Gunshot wound of head.           | Killed.    |
| 2   | "                       | 279                    | Sergeant James Baxendale. | 26   | 9        | —              | —                     | Gunshot wound of face.           | Slight.    |
| 3   | "                       | —                      | Driver Charles Steer.     | 27   | 9        | —              | —                     | Gunshot wound of hand.           | "          |
| 4   | 50th Regmt.             | —                      | Ensign C. A. Doveton.     | 21   | 3        | —              | —                     | Penetrating wound of chest.      | Dangerous. |
| 5   | "                       | 170                    | Sergeant William Hawkins. | 26   | 6        | 22d Feb. 1864  | Rangiaohia            | Gunshot wound of scalp.          | Killed.    |
| 6   | "                       | 224                    | Sergeant Joseph Payne.    | 24   | 6        | —              | —                     | Gunshot wound of head.           | Slight.    |
| 7   | "                       | 88                     | Private Thomas Burke.     | 28   | 9        | —              | —                     | Gunshot wound of thigh.          | Severe.    |
| 8   | "                       | 4,564                  | Private Richard Beech.    | 25   | 8        | —              | —                     | Gunshot wound of right arm.      | Severe.    |
| 9   | "                       | 505                    | Private Walter Brett.     | 21   | 3        | —              | —                     | Gunshot wound of head.           | Slight.    |
| 10  | "                       | 586                    | Private Cornelius Walsh.  | 36   | 19       | —              | —                     | Gunshot wound of right hand.     | Severe.    |
| 11  | "                       | 494                    | Private William Matthews. | 25   | 5        | —              | —                     | Gunshot wound of right leg.      | Severe.    |
| 12  | "                       | 3,901                  | Private William Kennedy.  | 28   | 10       | —              | —                     | Gunshot wound of left groin.     | Slight.    |
| 13  | "                       | 317                    | Private Elias Warburton.  | 25   | 6        | —              | —                     | Gunshot wound of shoulder.       | Severe.    |
| 14  | 65th Regmt.             | —                      | Lieutenant Andrew Pagan.  | 25   | 8        | —              | —                     | Gunshot wound through right leg. | Severe.    |
| 15  | "                       | 3,181                  | Private Thomas Evans.     | 29   | 11       | —              | —                     | Gunshot wound of right shoulder. | Slight.    |
| 16  | 70th Regmt.             | 197                    | Private Joseph Morris.    | 21   | 5        | —              | —                     | Gunshot wound of scalp.          | Severe.    |
| 17  | "                       | 1,789                  | Sergeant John Dunn.       | 41   | 21       | —              | —                     | Gunshot wound of face and foot.  | Slight.    |
| 18  | "                       | 3,260                  | Private Isaac Mugeridge.  | 31   | 11       | —              | —                     | Contusion of hip                 | "          |
| 19  | Colonial Defence Force. | —                      | Corporal E. B. Gilmer.    | —    | —        | —              | —                     | Flesh wound of fire-arms.        | Slight.    |
| 20  | "                       | —                      | Corporal Thomas Little.   | —    | —        | —              | —                     | Gunshot wound of thigh.          | Severe.    |
| 21  | Forest Ranger           | —                      | Private James Taylor.     | —    | —        | —              | —                     | Gunshot wound of finger.         | Slight.    |

Capt. Baker,  
Assistant Military Secretary.J. MOUAT,  
Deputy Inspector-General, P.M.O.



No. 27.

NEW  
ZEALAND.  
No. 27.COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the  
DUKE of NEWCASTLE, K.G.(No. 35.) Government House, Auckland, February 29, 1864.  
MY LORD DUKE, (Received May 13, 1864.)

I HAVE the honour to acknowledge the receipt of your Grace's Despatch No. 113\* of 26th November last, remarking upon the details of a plan for the introduction of a large body of settlers into the Northern Island of New Zealand, to whom it is proposed to assign land on a species of military tenure, and upon the confiscation of lands the property of rebel natives.

\* Vide  
Papers pre-  
sented March  
1864, Page  
104.

My Responsible Advisers have requested me to transmit, for your Grace's information, the enclosed copy of a memorandum which they have drawn up in relation to your Despatch, and from which it will be found that they fully recognise the wisdom and propriety of the views expressed by your Grace, and that they pledge themselves to do their utmost to fulfil their duties in the existing difficult state of affairs with prudence and justice.

I have, &c.  
His Grace the Duke of Newcastle, K.G., (Signed) G. GREY.  
&c. &c. &c.

Enclosure in No. 27.

Encl. in No. 2

MEMORANDUM by MINISTERS.

1. Ministers desire to make a few remarks on the Despatch of the Duke of Newcastle, dated the 26th November 1864, in which his Grace states, that while he acquiesces generally in the principles which have been adopted in reference to the confiscation of native land, he must add, that the application of those principles is a matter of great danger and delicacy, for which the Colonial Government must remain responsible; and his Grace then proceeds to point out two dangers, which he observes that the Colonial Ministry (Mr. Domett's) have not noticed in their memorandum, but which he remarks they cannot have been blind to.

2. The Colonial Government fully recognise the responsibility that rests upon them, and they will endeavour to fulfil their duties with prudence and justice.

3. Ministers do not feel any apprehension that the confiscation of land cannot be confined within wise and just limits, and they fully believe that if they were to attempt to carry this principle beyond such limits their acts would not receive the sanction of the General Assembly.

4. With respect to his Grace's apprehension that the natives who still remain friendly may view confiscation, not as a punishment for rebellion, but as a flagrant proof of the determination of the colonists to possess themselves of land at all risks, Ministers have to state that every means have been taken to persuade the Maories in general that the property of innocent persons and tribes will be strictly respected, and that the measure of punishment will be apportioned to the degree of guilt.

5. Ministers are glad to be able to add, that, though the proceedings of the Government were at first naturally looked upon with some degree of anxiety and distrust by the natives, those feelings have much subsided generally, and in some instances complete confidence has been established in the intentions of the Government.

6. Ministers request that his Excellency will be pleased to transmit, for his Grace's information, this memorandum, and the copies enclosed herewith of two notices circulated by the Government in reference to one of the points referred to in the Despatch.

Not received.

Auckland, February 29, 1864. (Signed) FRED. WHITAKER.

No. 28.

No. 28.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the  
DUKE of NEWCASTLE, K.G.(No. 36.) Government House, Auckland, February 29, 1864.  
MY LORD DUKE, (Received May 13, 1864.)

I HAVE the honour to enclose, for your Grace's information, a return and memorandum showing the number and composition of the Colonial forces of New Zealand at the present date.

From these documents your Grace will find that we have now on actual service—

|                      | Officers and Men. | Horses. |
|----------------------|-------------------|---------|
| 1 Cavalry Regiment   | 411               | 316     |
| 3 Infantry Regiments | 3,617             |         |

making a total force of 4,028 officers and men, all enlisted for three years, and that three Regiments, with the Militia and Volunteers actually under arms, make up a total force of 7,806 men now on actual service, and doing duty.

I have, &c.  
His Grace the Duke of Newcastle, K.G., (Signed) G. GREY.  
&c. &c. &c.

Enclosure 1 in No. 28.

NEW  
ZEALAND.

Encl. 1 in No. 28.

RETURN of MILITIA, VOLUNTEERS, MILITARY POLICE, and other Forces (exclusive of Regular Troops) in Her Majesty's Colonial Possessions (made up to 31st December 1863.

| Name of Colony or Possession. | Date of Formation of Corps. | Whether Militia, Volunteers, Military Police, &c. | Designation of each Regiment or Corps. | No. of Officers and Men. | No. of Horses. | No. of Guns, Field Artillery. | Average Number of Days in each Year in which they are called out for Training. | Remarks on Organization, Recruiting, &c.                                                                                                                                                                                |
|-------------------------------|-----------------------------|---------------------------------------------------|----------------------------------------|--------------------------|----------------|-------------------------------|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NEW ZEALAND.                  |                             |                                                   |                                        |                          |                |                               |                                                                                |                                                                                                                                                                                                                         |
| <i>North Island.</i>          |                             |                                                   |                                        |                          |                |                               |                                                                                |                                                                                                                                                                                                                         |
| Auckland                      | -                           | Militia                                           | 1st Battn. 1st Class                   | 565                      | -              | -                             | }                                                                              | Called out for actual service, armed, drilled, and doing duty.                                                                                                                                                          |
| "                             | -                           | Do.                                               | Do. 2nd "                              | 539                      | -              | -                             |                                                                                |                                                                                                                                                                                                                         |
| "                             | -                           | Do.                                               | Do. 3rd "                              | 321                      | -              | -                             |                                                                                |                                                                                                                                                                                                                         |
| "                             | -                           | Do.                                               | 2nd Battalion                          | 162                      | -              | -                             |                                                                                |                                                                                                                                                                                                                         |
| "                             | -                           | Do.                                               | 3rd "                                  | 350                      | -              | -                             |                                                                                |                                                                                                                                                                                                                         |
| "                             | -                           | Do.                                               | 1st Waikato                            | 1,138                    | -              | -                             | }                                                                              | Called out for actual service, armed, drilled, and doing duty. 584 in Commissariat Transport corps. 27 employed by Commissariat as issuers, &c. The greater part of these men were enrolled in the Australian Colonies. |
| "                             | -                           | Do.                                               | 2nd "                                  | 1,197                    | -              | -                             |                                                                                |                                                                                                                                                                                                                         |
| "                             | -                           | Do.                                               | 3rd "                                  | 1,282                    | -              | -                             |                                                                                |                                                                                                                                                                                                                         |
| "                             | -                           | Volunteers                                        | "Royal Cavalry"                        | 175                      | 172            | -                             | }                                                                              | Called out for actual service, armed, drilled, and doing duty.                                                                                                                                                          |
| "                             | -                           | Do.                                               | "Rifle"                                | 609                      | -              | -                             |                                                                                |                                                                                                                                                                                                                         |
| "                             | -                           | Do.                                               | "Naval"                                | 191                      | -              | -                             |                                                                                |                                                                                                                                                                                                                         |
| "                             | -                           | Colonial Defence Force                            | -                                      | 117                      | 112            | -                             |                                                                                |                                                                                                                                                                                                                         |
| "                             | -                           | Armed Settlers and Veterans                       | -                                      | 309                      | -              | -                             |                                                                                | Permanent force. Armed and drilled, but not doing duty.                                                                                                                                                                 |
| Taranaki                      | -                           | Militia                                           | -                                      | 632                      | -              | -                             | }                                                                              | Called out for actual service, armed, drilled, and doing duty.                                                                                                                                                          |
| "                             | -                           | Volunteers                                        | "Cavalry"                              | 25                       | 25             | -                             |                                                                                |                                                                                                                                                                                                                         |
| "                             | -                           | Do.                                               | "Rifle"                                | 209                      | -              | -                             |                                                                                |                                                                                                                                                                                                                         |
| Wanganui                      | -                           | Militia                                           | -                                      | 477                      | -              | -                             | }                                                                              | Called out for training and exercise, armed and drilled.                                                                                                                                                                |
| "                             | -                           | Volunteers                                        | "Cavalry"                              | 147                      | 145            | -                             |                                                                                |                                                                                                                                                                                                                         |
| "                             | -                           | Do.                                               | "Rifle"                                | 303                      | -              | -                             |                                                                                |                                                                                                                                                                                                                         |
| Wellington                    | -                           | Militia                                           | -                                      | 870                      | -              | -                             | }                                                                              | Called out for training and exercise, armed and drilled.                                                                                                                                                                |
| "                             | -                           | Volunteers                                        | "Rifle"                                | 660                      | -              | -                             |                                                                                |                                                                                                                                                                                                                         |
| "                             | -                           | Colonial Defence Force                            | -                                      | 179                      | 172            | -                             |                                                                                | Permanent force.                                                                                                                                                                                                        |
| Napier                        | -                           | Militia                                           | -                                      | 642                      | -              | -                             | }                                                                              | Called out for training and exercise, armed and drilled.                                                                                                                                                                |
| "                             | -                           | Volunteers                                        | "Cavalry"                              | 100                      | 98             | -                             |                                                                                |                                                                                                                                                                                                                         |
| "                             | -                           | Do.                                               | "Rifle"                                | 80                       | -              | -                             |                                                                                |                                                                                                                                                                                                                         |
| "                             | -                           | Colonial Defence Force                            | -                                      | 115                      | 102            | -                             |                                                                                | Permanent force.                                                                                                                                                                                                        |
| <i>Middle Island.</i>         |                             |                                                   |                                        |                          |                |                               |                                                                                |                                                                                                                                                                                                                         |
| Nelson                        | -                           | Militia                                           | -                                      | 1,832                    | -              | -                             |                                                                                | Not enrolled. Numbers given are from last Militia List.                                                                                                                                                                 |
| "                             | -                           | Volunteers                                        | "Rifle"                                | 266                      | -              | -                             |                                                                                | Drilled and partly armed. Portion of arms recalled for use in North Island.                                                                                                                                             |
| Marlborough                   | -                           | Militia                                           | -                                      | -                        | -              | -                             |                                                                                |                                                                                                                                                                                                                         |
| "                             | -                           | Volunteers                                        | "Rifle"                                | 95                       | -              | -                             |                                                                                | Drilled and armed.                                                                                                                                                                                                      |
| Canterbury                    | -                           | Militia                                           | -                                      | -                        | -              | -                             |                                                                                |                                                                                                                                                                                                                         |
| "                             | -                           | Volunteers                                        | "Rifle"                                | 148                      | -              | -                             |                                                                                | Drilled, but not armed. Arms recalled for use in North Island.                                                                                                                                                          |
| Otago                         | -                           | Militia                                           | -                                      | -                        | -              | -                             |                                                                                |                                                                                                                                                                                                                         |
| "                             | -                           | Volunteers                                        | "Rifle"                                | 116                      | -              | -                             |                                                                                | Drilled and partly armed. Portion of arms recalled for use in North Island.                                                                                                                                             |

Militia and Volunteer Office, Auckland,  
January 5, 1864.H. C. BALNEAVIS,  
Lieutenant Colonel,  
Deputy Adjutant General of  
Militia and Volunteers.



Enclosure 2 in No. 28.

NEW  
ZEALAND.

## MEMORANDUM FOR HIS EXCELLENCY.

THE accompanying return of Militia and Volunteers in New Zealand on the 31st December 1863 has been prepared in compliance with his Grace the Duke of Newcastle's Circular Despatch of the 14th April 1862, requiring a half-yearly return of Militia and Volunteers in the British Colonies.

In order to afford the fullest possible information on this subject, the return has been prepared in two ways. No. 1. in accordance with the form prescribed in the Circular Despatch quoted above; No. 2. showing in addition the totals for each Province in the Colony.

## NORTHERN ISLAND.

This last-mentioned return shows—

I.—That serving under the “Colonial Defence Force Act, 1862,” there were in different provinces of the Northern Island as follows:

|                      |   |   |            |   |             |
|----------------------|---|---|------------|---|-------------|
| Province of Auckland | - | - | 117 men    | - | 112 horses. |
| „ Wellington         | - | - | 179 „      | - | 172 „       |
| „ Hawke's Bay        | - | - | 115 „      | - | 102 „       |
|                      |   |   | <u>411</u> |   | <u>386</u>  |

II.—That besides this permanent cavalry force, the men of which are enrolled for three years, there were three regiments of infantry in which the men are likewise enrolled for three years; namely,—

|                      |   |   |   |                         |
|----------------------|---|---|---|-------------------------|
| 1st Waikato Regiment | - | - | - | 1,138 officers and men. |
| 2nd „                | - | - | - | 1,197 „                 |
| 3rd „                | - | - | - | 1,282 „                 |
|                      |   |   |   | <u>3,617</u>            |

III.—That the ordinary militia in this portion of the Colony called out for actual service, armed, drilled, and doing duty, numbered 2,569 officers and men, distributed as follows:

|                                 |                  |   |     |              |
|---------------------------------|------------------|---|-----|--------------|
| Province of Auckland, 1st class | 1st battalion    | - | 565 |              |
| 2nd „                           | „                | - | 539 |              |
| 3rd „                           | „                | - | 321 |              |
|                                 |                  |   |     | <u>1,425</u> |
|                                 | 2nd battalion    | - | 162 |              |
|                                 | 3rd „            | - | 350 |              |
|                                 |                  |   |     | <u>1,937</u> |
| Province of Taranaki            | -                | - | -   | 632          |
|                                 |                  |   |     | <u>2,569</u> |
|                                 | Officers and men | - | -   |              |

IV.—That, in addition to the permanent cavalry force mentioned above, there were called out for actual service, armed, drilled, and doing duty, 200 cavalry volunteers, as follows:

|                      |   |   |            |   |             |
|----------------------|---|---|------------|---|-------------|
| Province of Auckland | - | - | 175 men    | - | 172 horses. |
| „ Taranaki           | - | - | 25 „       | - | 25 „        |
|                      |   |   | <u>200</u> |   | <u>197</u>  |

V.—That the volunteers called out for actual service, armed, drilled, and doing duty, were—

|                                               |   |   |     |              |
|-----------------------------------------------|---|---|-----|--------------|
| In the Province of Auckland, Rifle Volunteers | - | - | 609 |              |
| „ „ Naval „                                   | - | - | 191 |              |
|                                               |   |   |     | <u>800</u>   |
| „ Taranaki, Rifle Volunteers                  | - | - | 209 |              |
|                                               |   |   |     | <u>1,009</u> |

VI.—That in addition to the corps above particularized, all of whom were on actual service and doing duty, there were in various provinces of the Northern Island the following bodies of men, who, though not doing duty, were armed, drilled, and available for actual service:

## MILITIA.

|                                  |                  |   |   |              |
|----------------------------------|------------------|---|---|--------------|
| Province of Wellington, Wanganui | -                | - | - | 477          |
| „ „ Wellington                   | -                | - | - | 870          |
| „ Hawkes Bay                     | -                | - | - | 642          |
|                                  |                  |   |   | <u>1,989</u> |
|                                  | Officers and men | - | - |              |

## CAVALRY VOLUNTEERS.

|                                  |   |            |   |             |
|----------------------------------|---|------------|---|-------------|
| Province of Wellington, Wanganui | - | 147 men    | - | 145 horses. |
| „ Hawkes Bay                     | - | 100 „      | - | 98 „        |
|                                  |   | <u>247</u> |   | <u>243</u>  |

NEW  
ZEALAND.

## VOLUNTEERS.

|                                                   |   |   |   |              |
|---------------------------------------------------|---|---|---|--------------|
| Province of Auckland, armed settlers and veterans | - | - | - | 309          |
| " Wellington, Wanganui rifles                     | - | - | - | 303          |
| " " Wellington rifles                             | - | - | - | 660          |
| " Hawkes Bay "                                    | - | - | - | 80           |
| Officers and men                                  | - | - | - | <u>1,352</u> |

VII.—The Colonial forces in the Northern Island on the 31st December 1863 may be summarized thus—

## On actual service and doing duty—

|                        |   |              |   |             |
|------------------------|---|--------------|---|-------------|
| Colonial Defence Force | - | 411 men      | - | 386 horses. |
| Waikato Militia        | - | 3,617 "      | - |             |
| Ordinary Militia       | - | 2,569 "      | - |             |
| Cavalry Volunteers     | - | 200 "        | - | 197 "       |
| Rifle and Naval        | - | 1,009 "      | - |             |
|                        |   | <u>7,806</u> |   | <u>583</u>  |

## Not on actual service, but available for duty—

|                    |   |              |   |             |
|--------------------|---|--------------|---|-------------|
| Militia            | - | 1,989 men    | - |             |
| Cavalry Volunteers | - | 247 "        | - | 243 horses. |
| Volunteers         | - | 1,352 "      | - |             |
|                    |   | <u>3,588</u> |   | <u>243</u>  |

## MIDDLE ISLAND.

The Colonial forces of this portion of the Colony have been nearly disarmed, their arms having been brought to the Northern Island as soon as possible after it was seen that hostilities with the rebellious natives would be inevitable; and only in the Province of Nelson are the Militia called out. The return shows that there were in that province 1,832 Militia, and in sundry provinces 625 Volunteers enrolled, viz. :—

## MILITIA.

|                    |   |   |   |            |
|--------------------|---|---|---|------------|
| Province of Nelson | - | - | - | 1,832 men. |
|--------------------|---|---|---|------------|

## VOLUNTEERS.

|                                                      |   |   |   |              |
|------------------------------------------------------|---|---|---|--------------|
| Province of Nelson                                   | - | - | - | 266          |
| " Marlborough                                        | - | - | - | 95           |
| " Canterbury                                         | - | - | - | 148          |
| " Otago                                              | - | - | - | 116          |
|                                                      |   |   |   | <u>625</u>   |
| Total of Militia and Volunteers in the Middle Island | - | - | - | <u>2,457</u> |

## GRAND TOTAL.

## NORTHERN ISLAND.

|                       |   |           |   |             |
|-----------------------|---|-----------|---|-------------|
| On actual service     | - | 7,806 men | - | 583 horses. |
| Not on actual service | - | 3,588 "   | - | 243 "       |

## MIDDLE ISLAND.

|                                          |   |               |   |            |
|------------------------------------------|---|---------------|---|------------|
| Not on actual service and mostly unarmed | - | 2,457 "       | - |            |
|                                          |   | <u>13,851</u> |   | <u>826</u> |

T. RUSSELL.

Colonial Defence Office, Auckland, February 29, 1864.

No. 29.

No. 29.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 38.)

Government House, Auckland, February 29, 1864.

MY LORD DUKE,

(Received May 13, 1864.)

Memo. by Mr.  
Featherston.  
Wellington,  
Feb. 18, 1864.

I HAVE the honour to transmit, for your Grace's information, a report by the Superintendent of the province of Wellington, showing the present state of the feeling of the native population of that part of the northern island of New Zealand, which I feel assured you will peruse with much interest, and that you will regard it as giving, upon the whole, reason to hope that tranquillity may still be preserved in that part of the Colony.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,

(Signed) G. GREY.

&amp;c. &amp;c. &amp;c.



Enclosure in No. 29.

MEMORANDUM from the Honourable Mr. Fox.

NEW  
ZEALAND.

Encl. in No. 2.

I STARTED from Wellington for the West Coast, on the 13th ultimo, partly on provincial business, but chiefly with a view of endeavouring, in compliance with your request, to adjust the long pending land dispute at Rangitikei between the Rangitane and the Ngatiraukawha on the one side and the Ngatiapas on the other.

The following day I visited, by a written invitation, Wi Tako and his people; their welcome was more than cordial, and a long korero ensued. Reminding me that they had faithfully redeemed their pledge to keep the peace during my absence at Auckland, they evinced great anxiety to learn what had taken place at Waikato, and at the great Pakeha runanga. They listened with deep interest to the account of General Cameron's operations (Wi Tako showing that he had a thorough knowledge of the country, by explaining the nature of each position), and were highly pleased at the fraternising of the soldiers with the natives at Rangiriri, with the compliment paid them by General Cameron, and the kind treatment the prisoners were receiving. Wi Tako remarked that he had always said that the battle of kingism would have to be fought at Waikato; that the battle had taken place, and the Waikatos were conquered; admitting repeatedly that all I had told him at my meeting with them last year had come true, and that the Maories were engaged in a hopeless struggle; still he gave no intimation that he intended to abandon the king movement, although he expressed uneasiness at the future of himself and people. Wi Tako finds himself between two fires; he is afraid that he will be punished by the Government for the part he has taken in kingism, but he is still more thoroughly convinced that if he suddenly gave it up he would be murdered by his own people. The opinion I have long held, that had Wi Tako, not on more than one occasion, at a sacrifice of his personal influence, restrained the more violent of the ultra kingites, the peace of this province could not have been preserved, remains unchanged. Neither surprise nor dissatisfaction were expressed when I explained the measures passed by the Assembly, and the determination of the Governor to crush the rebellion at once and for ever, and to trample out kingism in every part of the Colony. While freely confessing the part they had taken in hoisting king's flags, in issuing proclamations in his name, in arming and drilling, &c., they laid great stress upon their not having disturbed the peace of the Province, and upon none of them having gone to the war either at Taranaki or Waikato, pleading also that they in common with many others had been disappointed with the results of the king movement. After suggesting to them that the time had arrived when it became them calmly to consider the position in which they would stand towards the Government if they did not soon return to their allegiance, I left them, with many thanks from them for my visit, and the exaction of a promise that I would see them on my return. On passing through Otaki the same day I found that most of the natives had already proceeded to Rangitiki, but I saw Heremia, and promised to meet them on my way home. Manawatu was also deserted for the same reason. I here picked up Mr. Hanlin, who, with Mr. Buller's consent, had consented to accompany me and act as interpreter. Arriving at Rangitikei on the evening of the 15th, I immediately proceeded to Ihakara's pa, where I found about 400 (including women and children) of the Rangitanes and Ngatirauka was assembled. Hiapa is not in any sense fortified, and there are not more than a few, probably four or five, acres under cultivation. All the principal chiefs of the two tribes were present; Ihakara being evidently the recognised leader in this land dispute. He has, in fact, by the prominent lead he has taken in it, acquired an influence which he never previously possessed, and seems inclined to foment the quarrel rather than abdicate the position which he has attained by it.

Having uttered a few words of welcome, Ihakara called upon me to open the proceedings. After stating that I came amongst them deputed by the Government to do my utmost to arrange a quarrel which seemed likely to involve the parties engaged in it at any moment in war, I begged them distinctly to understand that the Government would not permit any fighting either in this or any other case; that the time had for ever gone by when one tribe would be permitted to make war upon another; that the Queen's Government was prepared to preserve the peace and to protect all Her Majesty's subjects, whether Pakehas or Maories, and that whichever of the three tribes engaged in the dispute dared to fire a shot or strike the first blow would be regarded as being in arms against the Queen's Government, and punished accordingly. Referring them to the efforts already made to adjust their differences, I suggested whether if each party appointed a committee of their leading men they could not come to some compromise without the Government interfering. They scouted this suggestion as infinitely absurd, and then said that they had all along been and were still willing to submit the matters in dispute to arbitration, and that they were prepared to nominate as their arbitrators Captain Robinson and Mr. Yalcombe, with a Maori to be named hereafter, and requested me to bear their proposal to the Ngatiapas. In consequence of an observation which fell from one of the speakers, I asked whether the arbitration was to be strictly in accordance with Pakeha rules, which I briefly explained. "Kahore," exclaimed Ihakara, "the arbitrators must meet in the presence of the three tribes; the tribes will meet with their arms in hand. Each man will say what he pleases." I pointed out that such a meeting must end in a general shindy. Tamihana Rauparaha backed me in urging them to adhere to Pakeha regulations; but Ihakara's motion was put to the meeting in regular form, and carried with enthusiasm. The following day (Saturday the 16th) I met the Ngatiapas at Parawhenna; they did not muster more than 150. I was here joined by John Williams, Mete Kingi, and other Wanganui chiefs. J. Williams has been for some months doing his utmost to induce the Ngatiapas to sign the arbitration bond, and at once told me that he had given it up in despair; that he felt satisfied the Ngatiapas never would agree to arbitration. The proceedings were opened by Governor Hunia addressing a few compliments to Martui Te Whiubi and Tamihana Rauparaha. The Ngatiapas recognised them as chiefs, and would to some convenient extent be guided by them, but as to Ihakara he was nobody, and they utterly ignored him and his people. I then related what had taken place at my yesterday's meeting with the Ngatiraukawas and Rangitanes, and submitted their proposal, pointing out that such a fair proposal was evidence of their desire for a peaceful solution of the difficulty, and that the Government was prepared to carry it out. At first there was a good deal of fencing with the question of arbitration:



NEW  
ZEALAND.

"They could not entertain such a proposal without consulting chiefs who were absent."—"Well, I will wait until you can see those absent." A consultation here took place amongst the chiefs, and they got up one after another in rapid succession, and declared they never would consent to arbitration; that an arbitration would involve them in an endless number of disputes; that they would dispute about the apportionment of the block; that they would dispute about the particular block to be assigned to each party, about the surveys, about the boundaries of each man's land, and therefore they would have nothing to say to arbitration. "We hand over the block in dispute to you."—"Your words," I replied, "are not clear. I must understand clearly what you mean by handing over to me, as the representative of the Government, your lands." Mohi, the old fighting warrior of the Ngapuhi, became very angry, declaring that I knew perfectly well what they meant. "We hand over the whole block to you for sale, not retaining a single acre, and with it the dispute. It is far easier to apportion the money than the land. We all consent to this, and will agree to nothing else, and you take this proposal to the Ngatiraukawhas." The Reverend Mr. Taylor, who was present, and who has been for a long while most zealous in his endeavours to arrange the matter, agreed with John Williams that it was hopeless to insist upon their agreeing to arbitration. In the evening I accordingly laid their proposal before the Rangitanes and Ngatiraukawhas. They seemed to feel that the Ngatiapas in making such an offer had stolen a march upon them, but they would neither themselves sell nor allow the Ngatiapas to sell. Arbitration had first been proposed to them by the Government, and the Government were therefore bound to see it carried out. After explaining that just in the same way as I could not force them to sell so I could not compel the Ngatiapas to accept arbitration, I urged them to consider whether there was any other mode of adjusting their differences. A day or two after my arrival at Wanganui the natives there requested me to attend a meeting on the same subject at Putiki on Thursday the 21st. I found all the principal chiefs of Wanganui, Wangaehu, and Turakui present at it. The Reverend Mr. Taylor kindly interpreted for me. After they had heard my report of what had occurred at Rangitikei, Horie Kingi, and the whole of them, repudiated arbitration, and insisted on the block being handed over to the Queen. They were all evidently prepared to support the Ngatiapas in case they were attacked. Some of them having pressed me at once to make a payment of 500*l.*, I told them I should give no answer to their offer to hand over the land till I returned to Rangitikei, but that under no circumstances would a single farthing be paid to either of the three tribes on account of the land till the dispute was settled. Before the meeting (minutes of which, taken by J. Williams I append) broke up, they signed a letter, handing the land over.

When I returned to Rangitikei on the 24th, I learnt that the Rangitanes and Ngatiraukawhas had had a war dance at Ihakara's pa, in which 200 took part, including Ihakara, Epiha Taitimu, Te Hohia and Hori-kerei-te-Mahawa (all Queen's assessors), and that great excitement existed. This determined me to meet the Ngatiapas first, and declare the course the Government would take. I accordingly went on the following day (Monday) to Awahoa, where the Ngatiapas have two pas within a few hundred yards of each other, one being on the bank of the river, the other on a small hill a little distance from the river; both are double palisaded, with rifle pits, &c. The union jack was flying, with a red war flag underneath. All the chiefs spoke, the purport of their speeches being the same as at the meetings at Putiki and Parawhenua, viz., that they would never consent to arbitration, but that they gave up the whole of the lands together with the quarrel to the Government, and that they also surrendered their arms as a proof of their sincerity, and of their determination to abstain from all acts of violence. They then laid before me half a dozen guns (including a very good rifle) several cartouch boxes, boxes of caps, and two tomahawks, and the red war flag, saying, "We now surrender into your hands our lands, our pas, and our arms, and we await your answer." I then said, "There must be no misunderstanding as to what you offer and I accept on the part of the Government. I have carefully forbore expressing any opinion upon the merits of the question as to who is right or who is wrong in this dispute. I don't know whether you have a right to the whole or any portion of these lands which you now offer me. Neither do I know whether the Rangitanes and Ngatiraukawhas are entitled to the whole or any portion of the block. Neither tribe, until its interests have been ascertained, is in a position to hand over the lands in dispute to the Government, and I therefore tell you distinctly that I will not accept the lands. I will not buy a Waitara. All you can offer and all I can accept is the interest which you may be found to have in these lands. Do you clearly understand what I say?" They were evidently disappointed, and remained silent, consulting, however, amongst themselves. I repeated two or three times what I had just stated. Their intention in their offer to hand over the lands was simply to have their title to them confirmed, as it were, by the Government, and thus to make the Government the principal in the quarrel. At last Governor Hunia said, "Your meaning is perfectly clear. You will only accept whatever interest we may have in the lands." "Yes. I will not accept the land, but only whatever interest you may hereafter be proved to possess in it." Governor Hunia then put the offer, thus explained and modified, to the meeting in regular form, and it was carried by acclamation. Then came the question of the arms. They said, in giving them they did so as a token that they gave up all intention of fighting, and as a sign that they placed themselves under the protection of the Queen. I stated that before accepting them I must have a distinct understanding that in future they would obey the orders of the Government in the matter of the quarrel, and that I certainly should at once require them to return to the other side of the river, leaving on the disputed land only a sufficient number of their tribe to look after their cultivations. To this they all readily assented. I then accepted one double barrelled gun and a cartouch box full (returning the others) as a pledge on the part of the Government that as long as they adhered to what they had promised they should, if attacked by the Rangitanes and Ngatiraukawhas, receive from the Government precisely the same protection as the Pakekas would in similar circumstances. The meeting, which lasted some five or six hours, terminated with the Maories giving several rounds of hearty hurrahs. The next day (Tuesday 26th) I met the opposite party, and after minutely relating all that had taken place since I last saw them, and especially explaining what I had accepted from the Ngatiapas, and the pledges I had given them on behalf of the Government, I referred to their war dance, declaring that after the warnings I had given them I could only regard it as a challenge on the





THE  
SEAT OF WAR  
WAIKATO DISTRICT  
**NEW ZEALAND**

Compiled from Official sources;  
with some additions from the 'Southern Cross'  
by E. J. Powell, of the Hydrographic Office, Admiralty.

1864.

The firm lines show the principal roads and the dotted lines  
the Maori foot paths.

Scale of Statute Miles.



Scale of Nautic Miles.













NEW ZEALAND.  
NORTH ISLAND.  
WEST COAST.

SKETCH OF

THE WAIKATO RIVER

from

WANGAMARINO TO KANGIRIRI

Showing approximately the Soundings obtained from  
on board the "PIONEER"

OCT. 30<sup>th</sup> 1863.

SOUNDINGS IN FEET.  
Approximate Scale.

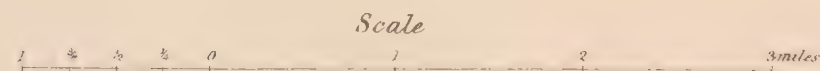




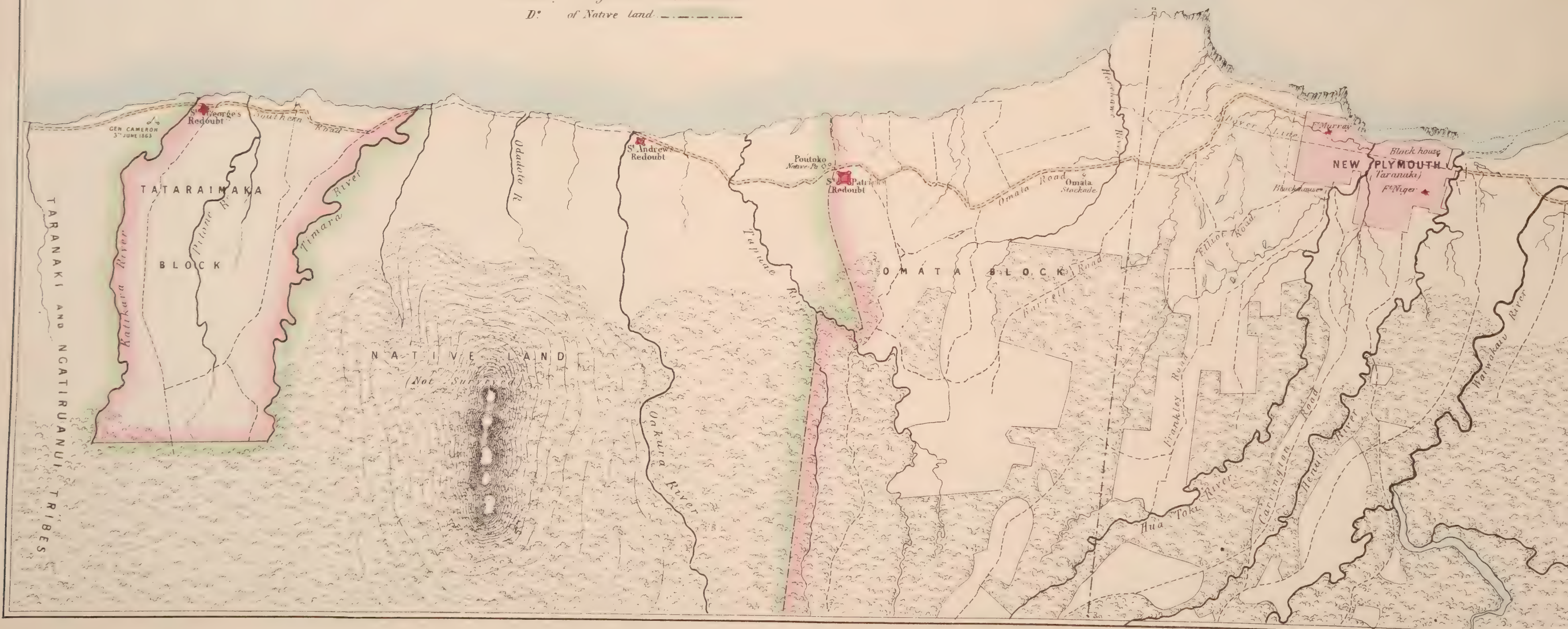
PLAN SHEWING COAST LINE FROM  
WAITARA TO TATARAIMAKA  
PROVINCE OF TARANAKI,  
NEW ZEALAND.

COMPILED AND LITH<sup>d</sup> AT THE TOPOGRAPHICAL DEPOT, WAR OFFICE.

COL. SIR H. JAMES, R.E., F.R.S. & C. DIRECTOR.



Boundary of English land -----  
D<sup>o</sup> of Native land -----



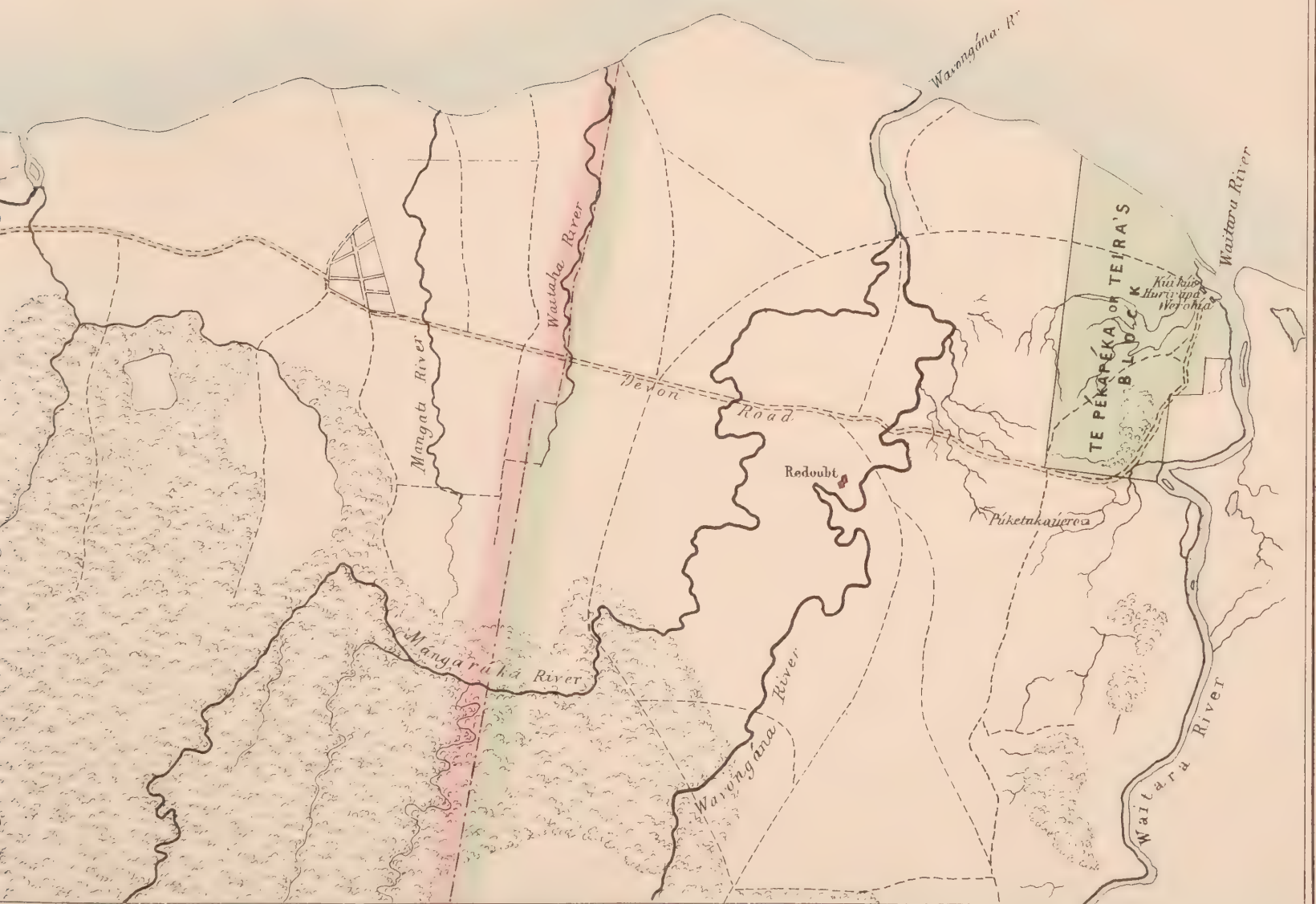


# NORTH ISLAND of NEW ZEALAND



## TRIBES.

1. Rarawa.
2. Ngapuhi.
3. Ngatiwharua.
4. Ngatidouga.
5. Waikato.
6. Ngatihaua.
7. Ngatiwakaia.
8. Ngatimaniapoto.
9. Taupo.
10. Ngatiawa.
11. Taranaki.
12. Ngatiruanui.
13. Upper Whanganui.
14. Ngatihau.
15. Ngaraiki.
16. Ngatiraukawa, Ngatipapa & Muaopoko.
17. Matitua.
18. Ngatikahungunu.
19. Ngatiti. Wheretia.
20. Ngatiporo.
21. Wakatohia.





part of the whole body to the Ngatiapas to fight, and a defiance of the Queen's Government; that the conduct of the four assessors (who had taken part in it), men sworn to preserve the peace, was utterly disgraceful, and that Queen's assessors who indulged in such practices would be dismissed.

Tamihana te Rauparaha and Martui te Whiwhi, who during my absence at Wanganui had been exerting themselves to their utmost to effect some compromise, both urged the acceptance of the Ngatiapas proposal. Ihakara and Hoani Meihana were the chief spokesmen. They entered at considerable length into the history of the question, and ended by expressing the determination of the two tribes not themselves to sell the block, nor to allow the Ngatiapas to sell any portion of it; but they were still willing to submit to arbitration. Ihakara pleaded the gross insults heaped upon them from time immemorial by the Ngatiapas in justification of the war dance. Upon his saying that he was glad to hear that the Ngatiapas had handed over their interests to me, for he could now go over every nook and corner of the block and would take all the rents, I at once told him that the Government could not consent to either party receiving any portion of the rents until the dispute was settled. To the surprise of the settlers present, he at once consented to the rents being thus impounded, and also gave a half promise that they would all return to their several homes, with the exception of a few to attend to their crops. Hoani Meihana having in the course of his speech observed that he knew it was the intention of the Government sooner or later to disarm them, I seized the opportunity to explain your recent instructions to resident magistrates relative to king natives. A long discussion ensued, many questions being asked with the view of ascertaining how far they had in the eyes of the Government committed themselves, and to which of the three classes they properly belonged. Ngawaka (a brother of Noa te Rawhiri) gave a minute account of his trip to Taupo (appealing to Martui Te Whiwhi to testify to its truth) in order to prove that he had simply gone to look after some land belonging to his tribe, and had not taken any part in the war; the statement was so plain and straightforward that (being confirmed by Martui) I accepted it, and relieved him from any anxiety that he had subjected himself to any of the pains and penalties specified in your instructions. Hoani Meihana began a similar explanation respecting the conduct of his brother-in-law (Grey), but had not proceeded far before apparently recognising the impossibility of making out a case he suddenly sat down. Upon the whole, the meeting seemed to regard the terms of submission as just and reasonable.

The following day I had another interview with each party, when it was finally agreed that no rents should be paid until the dispute was settled, and that they should return home, each party leaving a few to look after their cultivations. I must say that the discussions at all these meetings were conducted by the natives with great calmness and moderation.

Whether they will abide by the agreement remains to be seen. If they do, and no rents are paid for a few months, I feel satisfied they will come to some compromise. At all events there is now very little chance of their coming to blows.

Of the two proposals, arbitration and sale, there can be no doubt that the latter presents the easiest solution and adjustment of their long pending dispute. Arbitrators would no sooner have decided upon the apportionment of the land between the two (at present) contending parties, the Ngatiapas on the one side and the Ngatiraukawhas and Rangitanes on the other, than they would be called upon to apportion the land allotted to these two tribes between them, and ultimately to allot to each man his own particular piece. Such a process would be interminable, every step in it would create fresh disputes, and involve the Government in difficulties from which it would be impossible for it to extricate itself, except probably by a recourse to the sword.

What I mean when I say that the sale of the block presents the easiest, perhaps the only, possible solution of this quarrel, is simply this: Complicated as the dispute apparently is, it has been very much simplified by the transactions which have taken place between the disputants during the last few years; 1st, by the offer of the Ngatiraukawhas made in 1863 to divide the land between the three tribes (according to them) into three equal portions, or (according to John Williams) into two, one for the Ngatiapas, the other for the other two tribes; 2d, by the proportion in which the rents have for some years been received by the parties; 3d, by Nepia Taratoa having just previous to his death handed over the rents then due to the Ngatiapas. These transactions not only show that each tribe has an interest in the block, but pretty clearly indicate what the amount of interest which each tribe possesses is. These three interests might easily be satisfied by a money payment, but not by a subdivision of the land. And it would be well worth the while of the Province to buy up their interests by paying to the two litigating parties a sum which would at the ordinary rate of interest yield to each of them the same amount as they have been jointly receiving from the squatters as rent.

On my way down the coast I had meetings with the natives both at Otaki and Waikanae, at which I explained the terms offered by the Government to the king and rebel natives. At Otaki Heremaia made a bouncible and defiant speech, boasted of what he had done in the way of the king movement, expressed his determination to adhere to the king, not to give up the king's flag or to surrender his arms, or to disband his armed force, but at the same time intimating great anxiety as to when he was to be arrested and punished; he was extremely desirous to know his fate at once. He spoke under a feeling of irritation at the speeches made by Rauparaha and other loyal natives; but when I told him that he had spoken foolishly, that the terms offered by the Government would not be departed from, and that I therefore advised him to confer with Wi Tako and the other leaders of the king party before he decided upon rejecting them, the advice he said was good and he would act upon it. The tone of Wi Tako and his people was wholly different. Instead of glorying in what they had done in defiance of the Queen's authority, they pleaded that they had taken up the king movement in the belief that it would tend to elevate the Maori race, and that they had been induced to arm and drill by Pakehas constantly telling them that all our preparations were for the purpose of suddenly attacking them. Wi Tako again urged that during the whole period of the disturbances he had done his utmost to keep and had succeeded in keeping the peace. Far from expressing dissatisfaction with the terms offered him, he seemed pleased to find that he was let off so easily, and fully to recognise the position in which he would be placed were he to reject them. The interview confirmed me in the belief I have long had that Wi Tako is most anxious to separate from the kingites whenever he can do so with safety. Since his interview Wi Parata (who has for some years been Wi Tako's private secretary) has asked,

with Wi Tako's consent, to be allowed to take the oath of allegiance. This is simply a feeler put forth by Wi Tako to ascertain how his followers would act if he himself proved traitor to kingism.

Having thus explained fully to all the natives between this and Waitotara the terms upon which the Government will be prepared to accept their submission, I have requested the Native Resident Magistrates to abstain for the present from making any formal demand upon them.

(Signed) J. E. FEATHERSTONE,

Superintendent's Office, Wellington,  
18th February 1864.

No. 30.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 40.)

Government House, Auckland, March 7, 1864.

MY LORD DUKE,

(Received May 13, 1864.)

I HAVE the honour to enclose a copy of a translation of a letter from William Thompson to some chiefs upon the east coast of this island, in which he describes the recent actions with our troops.

1. Your Grace will find that this letter is interesting, as it shows the efforts which are made, by describing imaginary successes, to induce distant tribes to join the rebels, and thus to keep the war alive.

I have, &c.

His Grace the Duke of Newcastle, K.G.,

(Signed) G. GREY.

&c.

&c.

&c.

Enclosure in No. 30.

To Rawiri and to Tawaha.

February 28, 1864.

SALUTATION.

YOUR letter of the 27th has come. You wish to hear the account of the war here. Yes. It is good to comply with your wish.

Now listen. On Sunday an attack was made on Rangiaohia, a stealthy assault (konihi) by the Pakehas. They fell (the Maories), and six were killed in one place. Patene Pontama was taken prisoner. These men were attacked at night; the payment was eight, all officers. Enough of that.

On the night of Sunday the pas of Paterangi, Puketoke, and Awheteki were evacuated. By the time the moon went down we had assembled at Te Raho; and when the morning star arose we were all at the Catholic Church. We cooked some food; and, when appetites were satisfied, had prayers. After prayers crossed over to Hairini to Tomo's pa. I proposed that I should lead the van with Ngatihana, Ngatimaru, and Ngati Paua; that the Ngati Raukana, To Wharetoa, and Urewera should have the flanks, and Ngatimaniapoto the rear. I preferred there should be but few to advance in front, to be light, so as not to be eager to fight.

I spoke three times, but they would not listen; so Ngatiraukawa took the lead; after them Urewera; after them Tawharetoa; and after them Ngatimaniapoto. I called out, "I shall not go with you; I shall stay and make entrenchments with Ngatimaru, Ngati Paou, and Te Aua. Those tribes then went on, and came to close quarters; the one with the bayonet and the other with the tomahawk; 20 Pakekas fell. It was a fight hand to hand. Then came the cavalry, and Maori fled. In return Te Rangikaihira, Pakira's son, was killed, also Amitai. The Ngatiraukawa lost two; Te Urewera two. Of Te Rangiwewehi, Taikatu was killed by a stray bullet. They now came on our party. I called out, "Fire;" one volley was fired, and every horse was killed; none escaped. There was an end of them. The infantry then charged. Three volleys were poured on them, and that was finished. Another charge was then made, and Ngatimaniapoto, Ngatiraukawa, and Tawharitoa fled. My party then retired. Not one was taken, nor a single Ngatipaoa or Ngatimaru. Of Te Aua tribe, Keto Ki Waho was (taken or killed), and Paora Pipi of Ngatitahinga.

Ngatiraukawa lost three.

Urewera " two.

Tawharetoa " one.

These were all our dead. As for the Pakehas, they had the bed of death to themselves. The general has proposed peace.

By Wi Tamihana.



No. 31.

NEW  
ZEALAND

No. 31.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace  
the Duke of NEWCASTLE, K.G.

(No. 41.)

Government House, Auckland, March 8, 1864.

MY LORD DUKE,

(Received May 13, 1864.)

I HAVE the honor to enclose for your Grace's information, a copy of a translation  
of a letter I received on the 6th instant, from the chief of the Whakatohea tribe on the  
east coast of this island. This letter is, in point of fact, a declaration of war against us.

Timothy Te  
Kaka to Sir  
G. Grey.  
Opotiki,  
Feb. 15, 1864.

2. It will be seen that the main reason alleged for this hitherto friendly tribe engaging  
in hostilities against us (if they really persist in doing so) is that orders have been issued  
from England that all the natives of New Zealand should be destroyed, whether faithful  
subjects of the Queen or not. It is by spreading free statements of this kind that the  
rebels have hitherto succeeded from time to time in drawing numbers of distant tribes,  
not acquainted with the true state of things, into the war.

3. I hope, in this instance, if we can convince the Whakatohea tribe of the delusion  
under which they labour, that they will yet abandon their present intentions, which would  
certainly prove fatal to their interests.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Enclosure in No. 31.

Encl. in No. 81.

O FATHER, O GOVERNOR.

Opotiki, February 15, 1864.

SALUTATION. Whakatohea are gone to Waikato thirty (double?). This is to declare war with you,  
now Whakatohea are on the point of warring with you. This is the reason of my warring—the word of  
the elders of the other side of the sea to make war with this island till it be completely destroyed, that  
there be no Queen's men left, no neutrals, no king's men.

The 2nd cause, love for our land, New Zealand. You said further that the disobedient child must be  
punished; but for all your saying he will listen to the punishment, he will not listen, because he is a  
wild child.

This is a declaration that you may know war is near.

By TIMOTHY TE KAKA.

## Despatches from the Secretary of State.

## No. 1.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor Sir GEORGE GREY, K.C.B.

(No. 21.)

SIR, Downing Street, February 18, 1864.

I HAVE the honour to acknowledge the receipt of your Despatch No. 161.\* of the 21st of November, transmitting, for my information, a copy of the evidence taken at the coroner's inquest held on the body of James Dromgool, who was killed by the natives near the Mauku stockade in the province of Auckland.

I have, &amp;c.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

(Signed) NEWCASTLE.

## No. 2.

## No. 2.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor Sir GEORGE GREY, K.C.B.

(No. 22.)

SIR, Downing Street, February 21, 1864.

I HAVE received the series of despatches, noted in the margin, describing the feelings of the natives in various parts of New Zealand, and the operations of the war up to the occupation of the residence of the Maori king.

I need not tell you that I have read these papers with the most lively interest.

The sacrifice of valuable lives, by which the recent successes have been obtained over an active and resolute enemy, is very lamentable; but it has not been fruitless.

I collect that the most powerful and intelligent, though by no means the most culpable, of the tribes which have taken arms against us, have been entirely defeated and broken, and that those who have as yet given no indication of submission are little able to offer a protracted resistance to Her Majesty's forces. I hope, therefore, that the difficulties before you, though doubtless formidable, will be of a peaceful kind.

It gives me great pleasure to observe that these advantages are due to a variety of causes, of which all are alike gratifying,—the cordial co-operation of the civil, military, and naval authorities,—the wise forethought of yourself and General Cameron in preparing for the ascent of the Waikato river,—the hearty assistance of the settlers,—the soundness of your plan of campaign,—the military skill and capacity for command of General Cameron, the universal confidence which he seems to have inspired, and the unvarying gallantry and steadiness of Her Majesty's soldiers and sailors of all ranks.

I sincerely congratulate you, them, and the colony on the results which have been accomplished.

I have, &amp;c.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

(Signed) NEWCASTLE.

## No. 3.

## No. 3.

COPY of a DESPATCH from his Grace the Duke of NEWCASTLE, K.G., to Governor Sir GEORGE GREY, K.C.B.

(No. 24.)

SIR, Downing Street, February 23, 1864.

I HAVE received your Despatch No. 170.\* of the 3d of December, forwarding copy of a resolution of the Legislative Council of New Zealand, accepting the responsibility of the management of Native Affairs.



I trust that the recent successes will enable the Legislature to initiate such measures as will be calculated to restore and perpetuate a cordial friendship between the European and Maori races.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) NEWCASTLE.

## No. 4.

No. 4.

COPY of a DESPATCH from C. FORTESCUE, Esq., M.P., to Governor  
Sir GEORGE GREY, K.C.B.

(No. 35.)

SIR,

Downing Street, March 20, 1864.

I HAVE received your Despatch No. 2.\* of the 4th of January, enclosing copy of one to yourself from Sir Duncan Cameron, reporting that he had occupied Ngaruawahia, the residence of the so-called Maori king.

\* Page 13.

I trust that your anticipations of the good results which will arise from the adoption of this step will prove correct.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) C. FORTESCUE.  
(In the absence and by authority of the Secretary of State.)

## No 5.

No. 5.

COPY of a DESPATCH from C. FORTESCUE, Esq., M.P., to Governor  
Sir GEORGE GREY, K.C.B.

(No. 36.)

SIR,

Downing Street, March 23, 1864.

I HAVE the honour to acknowledge the receipt of your Despatch No. 3.\* of the 4th of January, enclosing letters from Colonel Carey, commanding the Thames expeditionary force, reporting that he had successfully performed the duty for which he had been detached of establishing a line of military posts, and opening the communication between the frith of the Thames and the river Waikato.

\* Page 14.

I am glad to observe that out of the 843 men under Colonel Carey's command 340 belong to different Colonial Corps, and I notice with satisfaction the valuable assistance afforded by the Naval volunteers.

I have also to acknowledge your Despatch No. 4.† of the 4th of January, enclosing a report from Captain Jackson commanding the Forest Rangers, of his having surprised a party of the natives in the bush, who were in possession at the time of a great amount of property which had been plundered from Europeans.

† Page 16.

I quite concur in Sir D. Cameron's opinion that Captain Jackson and those who acted with him deserve great credit for the manner in which they followed up the track of these natives, who were clearly more or less implicated in the outrages which have been committed.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) C. FORTESCUE.  
(In the absence and by authority of the Secretary of State.)

## No. 6.

No. 6.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P.,  
to Governor Sir GEORGE GREY, K.C.B.

(No. 55.)

SIR,

Downing Street, May 23, 1864.

I HAVE the honour to acknowledge the receipt of your Despatch No. 34.\* of the 27th February, enclosing a copy of a report from Lieutenant-General Sir Duncan Cameron of the operations of the force under his command upon the 21st and 22d of February, which resulted in the complete route of the rebel natives, and the occupation

\* Page 31.

NEW  
SALAND.

of an important position. I am fully sensible of the excellence of the arrangements which he made, and also of the admirable conduct of the officers and men under his command.

It affords me also much pleasure to notice the testimony which General Cameron has borne to the discipline and efficiency of the Colonial Defence Force, which he states is chiefly due to the example and exertions of Lieutenant-Colonel Nixon, who has the command of the force. And I trust that by your next Despatches you will have been able to inform me that this gallant officer had recovered from his wounds.

I have also to request that you will convey to the Bishop of New Zealand an expression of my sincerest thanks for the invaluable services which, at a great personal risk and inconvenience, he had rendered to General Cameron and the troops under his command.

I have, &amp;c.

(Signed)

EDWARD CARDWELL.

Governor Sir George Grey, K.C.B.,

&amp;c.      &amp;c.      &amp;c.

LONDON:

Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,  
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For Her Majesty's Stationery Office.



# FURTHER PAPERS

RELATING TO

## THE WAR IN NEW ZEALAND.

*(In continuation of Papers presented June 1864.)*

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Presented to both Houses of Parliament by Command of Her Majesty.  
*July 1864.*

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LONDON:

PRINTED BY GEORGE E. EYRE AND WILLIAM SPOTTISWOODE,  
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

FOR HER MAJESTY'S STATIONERY OFFICE.

1864.

[Price 3d.]

[3380]

# SCHEDULE.

## DESPATCHES FROM THE GOVERNOR.

| Number in Series. | Number and Date.        | SUBJECT.                                                                                                                                                    | Page. |
|-------------------|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 1                 | 14 March 1864 (No. 43.) | Transmitting copies of reports from Mr. Barstow and Mr. Williams, showing the state of the natives in the Northern part of the Island - - - - -             | 1     |
| 2                 | 5 April 1864 (No. 47.)  | Transmitting copy of letter from Lieut-General Sir D. Cameron, with report from Colonel Warre, C.B., of the taking of Kaitake Pa, at New Plymouth - - - - - | 3     |
| 3                 | 5 April 1864 (No. 50.)  | Reporting the probable motives which led the Rebel Natives to murder Europeans at the commencement of the present war -                                     | 7     |
| 4                 | 6 April 1864 (No. 52.)  | Reporting engagement with Rebel Natives at Orakau, Upper Waipa - - - - -                                                                                    | 8     |
| 5                 | 6 April 1864 (No. 53.)  | Respecting 183 prisoners taken at Rangiriri, stating how the fate of these men bears on the present war - - - - -                                           | 10    |

## DESPATCHES FROM THE SECRETARY OF STATE.

|    |                        |                                                                                                                                                                                                              |    |
|----|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 1  | 26 May 1864 (No. 56.)  | Stating that he had read with pleasure the report of Mr. Featherstone, the Superintendent of Wellington - - - - -                                                                                            | 15 |
| 2  | 26 May 1864 (No. 57.)  | States that he had read with much interest the account written by the Chief Wiremu Nero of his visit to the Rebel Natives after the occupation of Ngaruawahia - - - - -                                      | 15 |
| 3  | 26 May 1864 (No. 58.)  | Acknowledging Governor's Despatch No. 35, of the 29th February, enclosing a memorandum from the Governor's Responsible Advisers - - - - -                                                                    | 15 |
| 4  | 26 May 1864 (No. 59.)  | Acknowledging Governor's Despatch No. 40, of the 7th March, enclosing copy of a letter from William Thompson to other Chiefs - - - - -                                                                       | 16 |
| 5  | 26 May 1864 (No. 60.)  | Acknowledging Governor's Despatch No. 41, of the 8th March, enclosing letter from the Whakatohea tribe giving reasons for joining in the war - - - - -                                                       | 16 |
| 6  | 26 May 1864 (No. 63.)  | Stating that he is unable to advise Her Majesty to confirm the "Act No. 10, To enable Provincial Legislatures to pass Laws authorizing the compulsory taking of Land for Works of a Public Nature" - - - - - | 16 |
| 7  | 26 May 1864 (No. 64.)  | Enclosing copy of a paper drawn up by Mr. Gorst on Native affairs - - - - -                                                                                                                                  | 16 |
| 8  | 12 June 1864 (No. 67.) | Acknowledging Despatch No. 36, of 29th February, enclosing returns of the number of the Forces in New Zealand - - -                                                                                          | 18 |
| 9  | 18 June 1864 (No. 68.) | Acknowledging Despatch No. 43, of 14th of March, transmitting reports from Mr. Barstow and Mr. Williams - - - - -                                                                                            | 18 |
| 10 | 25 June 1864 (No. 75.) | Acknowledging Despatch No. 50, of the 5th April, relative to the murder of Europeans by Natives - - - - -                                                                                                    | 18 |
| 11 | 27 June 1864 (No. 76.) | Relative to the right of the Governor to decide the fate of prisoners taken during military operations - - - - -                                                                                             | 18 |
| 12 | 27 June 1864 (No. 77.) | Expresses satisfaction at the result of the military operations as reported in Governor's Despatches Nos. 47 and 52 of the 5th and 6th April - - - - -                                                       | 19 |
| 13 | 27 June 1864 (No. 78.) | Enclosing copy of a letter from the War Department and expressing a hope that the recent successes of Her Majesty's troops may lead to an early termination of the war - - - - -                             | 19 |

1864



# FURTHER PAPERS

## RELATING TO

# THE WAR IN NEW ZEALAND.

## Despatches from the Governor.

No. 1.

NEW  
ZEALAND.  
No. 1.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 43.)

Government House, Auckland, March 14, 1864.

(Received June 13, 1864.)

(Answered No. 68, June 19, 1864, page 18.)

MY LORD DUKE,

I HAVE much pleasure in transmitting for your Grace's information the two reports named in the margin from Mr. Barstow and Mr. E. M. Williams, both Resident Magistrates in the northern district of this Colony, showing that the feeling on the part of the native population in that part of this island towards their European fellow subjects appears to be good and continually improving.

Mr. Barstow,  
R.M., to the  
Civil Commis-  
sioner, Waimate,  
dated Russell,  
Jan. 14, 1864.

Mr. Williams,  
R.M., to the  
C. C., Waimate.  
Waimate, Jan.  
25 1864.

His Grace the Duke of Newcastle, K.G.,  
&c.                      &c.                      &c.

I have, &c.  
(Signed) G. GREY.

Enclosure 1 in No. 1.

Encl. 1 in No. 1.

SIR,

R. M. Court, Russell, January 14, 1864.

I HAVE the honour herewith to forward my report on the state of the Hundred of Kororareka for the past six months, and I rejoice in being enabled justly and truly to make a favourable one.

The only point to which I would wish to call your attention is the still unsettled state of the land as regards fencing and cattle trespass.

The Civil Commissioner, Waimate.

I have, &c.  
(Signed) R. C. BARSTON, R. M.

Sub-Enclosure.

Sub-Encl.

I have great pleasure in reporting that the natives in this Hundred generally are animated by a friendly feeling towards us Europeans, the excitement naturally consequent upon the commencement of hostilities and the uncertainty of their results having gradually subsided, and whether it has been that on more mature reflection the Ngapuhi have wisely concluded that they had more to fear from successful Waikato, their formerly incessant foe, than from any consequences that might arise from our victories, or perhaps even from a liking to "ride the winning horse," still there can be no doubt but that their sympathies are drawing round toward us, and instead of, as at first, endeavouring to throw the blame of the origin of the war upon the Governor, they now universally attribute it to the obstinacy and ingratitude of the rebels; there has been a cessation too of those wonderful accounts of Maori advantages, which some months ago ran from mouth to mouth with almost miraculous rapidity, and which enjoyed general popularity even when wanting in credibility.

I can notice that a more attentive way of listening and submissive and civil mode of speaking prevails at present in comparison with their demeanour of six months ago. I attribute this improvement to the favourable impression created by the bravery of our troops, which has given us Englishmen a higher position in the eyes of the Maori, whose idea of respect is co-relative with their estimate of the strength of its object.

I can write favourably also of the social and industrial welfare of the people under my peculiar charge, wooden buildings, comfortably partitioned, floored and lighted, are replacing damp, dark,

NEW  
ZEALAND.

stifling whares. I hope that the use of separate sleeping rooms may lessen the immorality naturally concomitant with the huddling together of both sexes in a nude state, and that the better ventilation of the new abodes may decrease the existing frequency of lung disease, engendered and spread by crowding together in closely shut up whares.

Some substantial fences too have been erected, a source of much gratification to me, as tending to lessen litigation on cattle trespass; the crops though, from scarcity of seed but few potatoes were planted, are looking well, and a large breadth of maize will somewhat compensate for the deficiency in the former article of food, the natives too seem more desirous than hitherto of possessing cattle, partly with a view of ploughing with bullock teams.

The procuring kauri gum, honey, and towai bark for sale to traders enables the people to supply themselves with clothing and European articles.

There have been more than an average number of deaths during the past half year, chiefly of young adults, though just now but little sickness prevails; intemperance too is on the wane, owing partly to the example and precept of a member of the Runanga, partly to the Rawhiti Maoris just now hoarding their money for a *hakari*.

(Signed) R. C. BARSTOW, R. M.

Encl. 2 in No. 1.

Enclosure 2 in No. 1.

SIR,

Resident Magistrate's Office, Waimate, January 25, 1864.

I HAVE the honour herewith to enclose my report for the half year ending December 31st 1863.

I have, &amp;c.

The Civil Commissioner, Waimate.

(Signed) EDWARD M. WILLIAMS, R. M.

Sub-Encl.

Sub-Enclosure.

## Report for the half year ending December 31, 1863.

During the last six months I have continued to visit the different native villages and settlements within the Hundred of Waimate, the usual circuit courts being held at Waimate, Whangawa, Te ngaere, and Kawakawa. Among the cases brought forward I regret having to notice one of a serious character, viz., an assault with intent, made by a native youth upon the daughter of a settler living in the vicinity of Matauri, but having already reported on this case in a letter to the Civil Commissioner, bearing date October 5, 1863, I have only to add that the fine imposed upon the party was paid in full.

I am unable to report any great improvement either in the moral or industrial habits of the natives, nor can I say the desire for ardent spirits is on the decrease amongst them, some few instances of amendment might be named, but the majority continue as they were.

Nothing has been effected in the way of schools, beyond the one established at the Kawakawa, where from 10 to 15 children receive daily instruction from the teacher of the place. The indifference manifested by the natives upon this subject is much to be deplored, but until the parents themselves can be led to see the importance of education, little I fear will be accomplished in behalf of their children.

As regards the general disposition of the natives at the present time, I have much pleasure in stating that they continue to manifest a friendly feeling both towards the Government and the settlers, and although by no means uninterested observers of the progress of events in the south have abstained from showing any disloyal feeling or desire to disturb the peace of this district.

Rumours have been whispered of disaffection existing in the minds of some of the chiefs, but nothing of this nature has come under my notice, nor have I been able to trace these rumours to any authentic source, and do not therefore place much reliance upon such statements. That there are some in the district who could be named as ready to take advantage of any circumstance which might favour a disturbance, I have little doubt, but these stand so far in the minority, that they will not readily advance sentiments they know would not be responded to by the body of the Ngapuhi tribes.

Much satisfaction has been expressed, that his Excellency should have declined the offer made by Waka, of the services of a body of Ngapuhi to take active measures against the Waikatos. Several chiefs observing that, had this offer been accepted, they should have felt themselves bound to support Waka, by drafting off a few men from each of the tribes, thus not only weakening their own numbers, but endangering the peace of the district by exciting feelings of animosity in the minds of Waikato natives who are resident here in bringing into remembrance those ancient feuds which still rankle in the breasts of these men, and amongst whom some might be found vindictive enough to commit some depredation, perhaps even murder, with the hope that by so doing they might embroil the Ngapuhi tribes, who I believe are anxious to maintain their friendly relationship with the Government.

The success hitherto attending the efforts which have been made in behalf of the natives may be but small, the progress towards civilization, law, and order amongst them may be but slow, still I think an advancement has been made; it is also encouraging to know that in the present excited state of the Colony these tribes have remained peaceable, in no way taking part with their rebellious countrymen whilst the decisive steps taken by the Government to suppress the rebellion, and the success which has already attended the British arms, cannot but have a salutary effect upon the minds of the natives, and we may hope that this rebellion when once subdued will lead to results alike beneficial to the Maori and the settler.

(Signed) ED. M. WILLIAMS, R. M.



No. 2.

NEW  
ZEALAND  
No. 2.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 47.)

Government House, Auckland, April 5, 1864.

(Received June 13, 1864.)

MY LORD DUKE,

(Answered No. 77, June 27, 1864, page 19.)

Lieut.-Gen.  
Cameron, C.I.  
to Sir G. Grey  
April 1, 1864

I HAVE the honour to transmit a copy of a letter I have received from Lieut.-General Cameron, C.B., enclosing a report of operations in which Her Majesty's Troops and the Colonial Forces under the command of Colonel Warre, C.B., have recently been engaged at New Plymouth, and which have resulted in the capture of a very formidable position held by the rebel natives, without any loss of life on our side.

2. Your Grace will observe with pleasure in what strong terms Lieut.-General Cameron speaks of the ability and judgment with which Colonel Warre planned and conducted these operations, and of the zeal, and intelligence, and gallantry with which they were carried out by the officers and men under his command.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Enclosure in No. 2.

Encl. in No. 2.

SIR,

Head Quarters, Pukerimu, April 1, 1864.

March 26, 1864

I HAVE the honour to forward to your Excellency the enclosed report of operations in which Her Majesty's troops and the Colonial Forces under command of Colonel Warre, C.B., have recently been engaged at New Plymouth, and which have resulted in the capture of the rebel position at Kaitake.

These operations were conducted by Colonel Warre with an ability and judgment which reflect the greatest credit upon him, and that so formidable a position should have been taken without any loss of life, and with very few casualties on our side, is to be attributed to the admirable arrangements made by Colonel Warre for the attack, and to the zeal, intelligence, and gallantry with which they were carried out by the officers and men under his command.

A company of the Melbourne and Otago Volunteers, under Captain Corbett, were engaged for the first time on this occasion, and distinguished themselves by the spirited manner in which they assaulted and took one of the stockades, considered to be the key of the enemy's position.

His Excellency Sir George Grey, K.C.B.  
&c. &c. &c.

I have, &c.  
(Signed) D. A. CAMERON,  
Lieut.-General.

Sub-Enclosure.

Sub-Encl.

SIR,

New Plymouth, March 26, 1864.

It is with much satisfaction I have the honour to report for the information of the Lieutenant-General Commanding, that by the result of a few days' operations the troops under my command have succeeded, with trifling loss, in driving the whole of the rebel Maoris from the several positions they have occupied, since March 1863, on the Patua Ranges; and by the successful attack on Kaitake yesterday have left the rebels no place of refuge on this side of the Katikara river.

Finding by the tenor of the Lieutenant-General's letter of the 12th instant, that the extent of his operations in Waikato would prevent his sending me any further reinforcements, beyond the 12-lb. Armstrong guns, and 30 non-commissioned officers and gunners under the command of Captain Martin, R.A., and that the Lieutenant-General appeared to think that this settlement could not be safe from the incursions of hostile natives so long as the rebels remained at Kaitake, I thought it my duty to endeavour to carry out his views, either by turning the rebels out of their formidable position at Kaitake, or by establishing military posts on the Timaru river to cut off their communications with the south. With this object therefore, on Monday, the 21st instant, I sent the Armstrong guns to Oakura, and placed them in position in the afternoon to try their effect, and show the natives that we were able to reach their apparently impregnable position at Kaitake at long range. The practice was excellent, and evidently made so great an impression upon the rebels, that I felt we could keep down their fire while the troops rushed their rifle pits. Considering it right, however, to destroy all their outposts or places of refuge before I attacked their main position, I left two of the Armstrong guns at Oakura to keep up an occasional fire at Kaitake, and marched on Tuesday the 22nd, with the force noted in the margin, to attack the Tutu pah, situated on the Katikara river, four miles above the rebel position, so successfully attacked by the Lieut.-General on the 4th June 1863. Starting at 3 o'clock a.m. I hoped to gain the bush in which the pah is situated by daybreak, and to take it in reverse by a bush track which I had explored last year; but on arrival in sight of the pah at the extreme boundary of the Tataraimaka block, the position appeared deserted; so I detached Captain Atkinson's Rifle Volunteers, supported by 50 men of the 57th Regiment under Captain Lloyd, to feel their way by the track, while the guns remained within easy range (about 1,200 yards) outside the bush. The pah was unoccupied, or occupied only by a few women and children who ran away as soon as the troops appeared. The stockade was pulled down and burnt, as also were several whares, not only near the pah, but at some distance from it. Some cattle were taken and driven in, and many acres of cultivation destroyed.

See Return A.

NEW  
ALAND.

As we observed on our advance that the chapel on the Tataraimaka block had been pulled down, and packed ready for carrying away, many of the side boards being found lying on the road leading to Tutu pah, I thought it would distract the attention of the natives from my further operations if I sent to bring away the remaining portions of the chapel, which making eight cart loads were successfully brought to Oakura by Captain Russell, 57th Regiment, with 100 of the 57th and Militia, on Wednesday 23rd instant.

Return B.

On Thursday the 24th instant I again organized a force, as shown in the margin, to attack the rebel position at Au-Au, and explore the road on the north side of the Timaru river to ascertain where the native track crossed by which the natives on the Ranges obtain their supplies and keep up communications with the south, which track we failed to find on Tuesday. The guns at Kaitake and the constant movement of troops had apparently lulled the natives at Au-Au into security, as they allowed the troops to approach within about half a mile of the foot of the Ranges (where the track coming from the south crosses the river) before any apparent notice was taken of our advance, when by the hurried discharge of muskets at different points it became evident that only a few natives occupied this very formidable position, which crowns the top of a spur about twice the height of that upon which Kaitake is situated.

Dividing the 57th into two parties, I sent one under Captain Russell up a very steep incline (covered with rifle pits) to the left, and the other under Captain Schomberg to the right, by the road which leads round the spur on which the stockade is situated, supported by the Militia under Captains Carthew and McKellar, T.M. The guns, under a covering party, being left on a small knoll, from which they could have shelled the pah and kept down the fire of the rifle pits had it been necessary.

The 20 or 30 Maoris by whom this place was very gallantly held gave way on the advance of the men of the 57th, who without any cover pushed up the very steep hill, the Maoris retiring in front of them until the two parties of the 57th joined. The Maoris for a short time made a determined stand, firing very sharply from a small bush-covered hillock on the right from the pah, but although only a few feet distant from their opponents only two men were wounded and Captain Mace's horse shot, while the troops were tearing down the stockade and forcing a passage into the interior from whence the Maoris made a rapid retreat up the steep hill, densely covered with bush on the rear, through which the men could not follow them. The pah was ours, with great quantities of vegetable produce of every description, all of which, including several acres of growing crops of Indian corn, tobacco, tara, &c., were destroyed, after filling two empty carts, which I had brought with the column for the purpose.

Having burnt and destroyed everything we could, we returned by the same route to Oakura.

Thinking it very probable that many of the rebels from Kaitake would go to Au-Au to ascertain their loss, and as Mr. Parris had informed me that Tamate, the Kaitake chief, had gone south to seek reinforcements from the Ngatiruanuis, who were hourly expected, I decided to attack the former position the next day.

Having arranged that Captain Atkinson with 150 Taranaki Rifle Volunteers should proceed by the bush track which leads to the rear of Kaitake, and that Captain Corbett, T.M., with 60 of his men, should advance up an intermediate spur of the ranges from the left, I so divided the remainder of my force that Captain Schomberg, 57th Regiment, and Captain Page, T.M., with 50 men each, should threaten the right. Captain Russell, 57th, with 80 men, should threaten the centre; while Captain Lloyd, 57th, with 50 men, and Captains Wright, 70th, and McKellar, T.M., with 25 men each in support of Captain Lloyd, should proceed up the several small spurs on our left to take in reverse the rifle pits which are constructed half way up the steep incline towards the two pahas, which crown the crest of the hill. To enable the bush parties to accomplish their long and fatiguing marches, and to arrive simultaneously at a given time, I had arranged that the guns should continue firing until 10 o'clock.

The three Armstrongs under Captain Martin, R.A., were placed on the right bank of the Oakura river to breach the upper pahas, and the 24-lb. howitzer and rocket tube which, owing to Mr. Larcum's recent wound, and a severe accident which disabled Serjeant-Major Arthur, I entrusted to a junior non-commissioned officer, were placed within about 800 yards of the front of the lower stockade, which they were to endeavour to knock down.

The beautiful practice of the Armstrong guns under Captain Martin set fire to a whare within the stockade of the lower of the two upper pahas, at the very hour I had named (10 o'clock, a.m.) for the simultaneous advance of all the parties; and of this fortunate accident immediate advantage was taken by Captain Corbett's party, who rushed at once upon the pah, and under cover of the smoke climbed over the stockades and got into it by a zigzag entrance between the two lines of palisades, followed very closely by the assaulting parties under Captain Lloyd, who climbed the spurs and rushed the rifle pits, from which a heavy fire had been kept up on the centre and right parties, who, with a tremendous cheer for the Queen, pushed rapidly forward. The party under Captain Schomberg, 57th, led by Major Butler, mounted the high ground to the right, also taking the rifle pits on that side in reverse, and Captain Russell's party, under my immediate direction, forced their way through the very formidable double line of palisades which extends across the valley backed by rifle pits, from which the Maoris had been driven by the fire of the parties above, and were escaping as rapidly as possible.

Captains Atkinson and Good's Rifle Volunteers had found the bush track so overgrown that they were unfortunately a few minutes late, but they did good service by appearing at the very top of the clearing, by which line they prevented the Maoris escaping, and killed one, Kati Knaturihwahi, the chief owner of the land in the Oakura and Tapuae district.

With the exception of Captains Atkinson and Corbett's men, who had a very fatiguing night-march, and to the latter it is with much pleasure I give the credit of taking possession of the pah on the top of the hill, which is, as I always imagined, the key to the whole position. The troops generally only took up their positions at 10 o'clock, and in 20 minutes they were in possession of the whole line of works extending for at least half a mile from the high ground on the right, which Major Butler gained by his successful flank march up a very steep incline to the pahas taken by Captain Corbett on the left.



The Maoris made one attempt to recover their prestige by creeping through the bush and firing a volley upon Captains Schomberg and Page's companies, in which one man was severely wounded, and one horse shot. Another Maori was captured in the fern after deliberately attempting to shoot one of the mounted corps, who, upon this, as on every occasion, rendered me most valuable assistance. It is surprising, even after the place was taken, that more casualties did not occur, so many Maoris concealed themselves in the fern and standing crops of Indian corn, which with potatoes, &c. covered the cleared ground around the pahs to an extent of 30 or 40 acres, and from which and the adjoining bush the Maoris kept up, for some time, an ineffectual fire until driven away by a few rockets and shells from the Cohorn mortar.

Although the wounds are severe we did not lose a single man.

I need hardly dwell upon the importance of this success, and the Lieut.-General is well aware how impregnable the position appeared.

I am sure the Lieut.-General will give the officers, non-commissioned officers, and men of the small force under my command the credit they so truly deserve for their gallantry and willingness to undergo the fatigue of the four days' operations they have brought to so successful a close. I have taken the liberty of transmitting a nominal and numerical return, by which the Lieut.-General will see what officers were engaged on this occasion. Marked C.

I at once made arrangements to occupy one of the pahs, within which I directed Lieutenant Ferguson, R.E., to construct a redoubt, leaving the stockade to prevent the rebels from attempting to scale the parapets, as the nature of the ground obliges its construction very close to the edge of the bush, and I also directed the whole of the stockading across the valley to be levelled and the rifle pits filled in.

To Major Butler, 57th Regiment, I am most especially indebted for the cordial co-operation and assistance he renders me on every occasion, and on this, for the gallant manner in which, on seeing the place taken, he not only conceived the idea, but led the men under Captains Schomberg and Page to the top of the range on the right from which he partially intercepted the retreat of the Maoris.

The firing of the Armstrong guns, and especially of that in charge of Serjeant Spink, R.A., was most excellent; but it is very evident that such guns are of little use in breaching native pahs.

My own staff officers, Lieutenant C. M. Clarke, Deputy A. Quartermaster-General, and Lieutenant E. Brutton, Garrison Adjutant, were unremitting in the execution of my orders. Captain F. Mace, T.M., volunteered his services, and, as on every occasion, rendered me very good service.

Staff-Surgeon Young was on the ground and attended promptly to the wounded men, and I would wish specially to bring to the Lieut.-General's notice the very considerate manner in which Staff-Assistant Surgeon M. Jones volunteered to proceed at 5 o'clock in the morning, with Captain Atkinson's party, and at a moment's notice undertook the five hours' long and fatiguing march through the bush, rather than allow them to proceed without a medical officer. All the officers and men speak loudly in his praise, although his professional services were not actually required.

The native prisoner, who is a returned slave from Waikato, and of no tribal importance, awaits the orders of the Government in the civil prison. He states that Kaitake was defended by 200 Maoris under Parengi Kingi, who was the first to run away on hearing the cheers which preceded our advance; a sudden panic seized the whole of the rebels, who, after the departure of their chief, lost no time in effecting their escape.

Two tiahos (spears) were taken at Au Au, and two native flags from Kaitake. The latter I forward by this mail; one to his Excellency the Governor, and one to the Lieut.-General Commanding.

The capture of Kaitake has given the most lively satisfaction to the inhabitants of this place.

I beg to forward a return of casualties, which I am happy to say are very small.

The Deputy Quartermaster-General,  
&c. &c. &c.  
Head Quarters.

I have, &c.  
(Signed) H. J. WARRE,  
Colonel Commanding at Taranaki.

A.—STATE of a FORCE, employed on March 22, 1864, on the Tataraimaka Block, and at Tutu Pah.

| Corps.                  | Field Officers. | Cap-tains. | Subal-terns. | Staff. | Ser-jeants. | Drum-mers. | Rank and File. | Total. | Remarks.                                           |
|-------------------------|-----------------|------------|--------------|--------|-------------|------------|----------------|--------|----------------------------------------------------|
| Staff - - -             | 1               | —          | —            | 2      | —           | —          | —              | 3      | And S. A. Surgeon,<br>M. Jones.<br>Regular Troops. |
| Royal Artillery - -     | —               | 1          | —            | —      | 2           | —          | 16             | 19     |                                                    |
| „ Engineers - - -       | —               | —          | 1            | —      | —           | —          | —              | 1      |                                                    |
| 57th Regiment - - -     | —               | 2          | 3            | —      | 6           | 3          | 100            | 114    |                                                    |
| Total - - -             | 1               | 3          | 4            | 2      | 8           | 3          | 116            | 137    |                                                    |
| Taranaki Volunteers - - | —               | 2          | 4            | —      | 7           | —          | 110            | 123    | Militia.                                           |
| Mounted Corps - - -     | —               | 1          | —            | —      | 1           | —          | 15             | 17     |                                                    |
| Bullock Drivers - - -   | —               | —          | —            | —      | —           | —          | 6              | 6      |                                                    |
| Total - - -             | —               | 3          | 4            | —      | 8           | —          | 131            | 146    |                                                    |

(Signed) H. J. WARRE,  
Col. Commanding Troops.

## B.—STATE of the TROOPS, employed on March 24, 1864, at Au Au.

| Corps.               | Field Officers. | Captains. | Subalterns. | Staff. | Serjeants. | Drummers. | Rank and File. | Total. | Remarks.                                     |
|----------------------|-----------------|-----------|-------------|--------|------------|-----------|----------------|--------|----------------------------------------------|
| Staff - - -          | 1               | —         | —           | 1      | —          | —         | —              | 2      | And S. A. Surgeon, Jones.<br>Regular Troops. |
| Royal Artillery - -  | —               | 1         | —           | —      | 1          | —         | 22             | 24     |                                              |
| Engineers - - -      | —               | —         | 1           | —      | —          | —         | —              | 1      |                                              |
| 57th Regiment - -    | 1               | 2         | 2           | 1      | 6          | 2         | 100            | 114    |                                              |
| Total - - -          | 2               | 3         | 3           | 2      | 7          | 2         | 122            | 141    |                                              |
| Taranaki Militia - - | —               | 1         | 1           | —      | 2          | —         | 15             | 19     | From Poutoko.                                |
| " " - - -            | —               | 1         | —           | —      | 1          | 1         | 29             | 32     | From Omata.                                  |
| " " - - -            | —               | —         | 1           | —      | 2          | —         | 44             | 47     | From Oakura.                                 |
| " " - - -            | —               | 1         | —           | —      | 2          | —         | 40             | 43     | From Oakura, for covering party at Hauranga. |
| Mounted Corps - -    | —               | 1         | —           | —      | 1          | —         | 20             | 22     | Militia.                                     |
| Bullock Drivers - -  | —               | —         | —           | —      | —          | —         | 7              | 7      |                                              |
| Total - - -          | —               | 4         | 2           | —      | 8          | 1         | 155            | 170    |                                              |

(Signed) H. J. WARRE,  
Col. Commanding Troops, Taranaki.

## C.—PROVINCE OF TARANAKI.

NOMINAL RETURN of the FORCE engaged in the attack on Kaitake, March 25, 1864, under the Command of Colonel H. J. WARRE, C.B.

| Rank and Names.                       | Corps.                               | Strength.   |            |                | Remarks.                                                  |
|---------------------------------------|--------------------------------------|-------------|------------|----------------|-----------------------------------------------------------|
|                                       |                                      | Ser-jeants. | Drum-mers. | Rank and File. |                                                           |
| Lieut. C. M. Clarke, D. A. Q. M. Gen. | Staff - - -                          | —           | —          | —              | Regular Troops.<br>Serjts. Drum. Rank & File.<br>11 4 232 |
| Lieut. E. Brutton, Garr. Adj.         | " - - -                              | —           | —          | —              |                                                           |
| Surgeon J. E. Young                   | Medical Staff                        | —           | —          | —              |                                                           |
| Assistant-Surgeon M. Jones            | " - - -                              | —           | —          | —              |                                                           |
| Capt. W. G. Martin                    | Royal Artillery -                    | 2           | —          | 35             |                                                           |
| Lieut. C. Ferguson                    | Royal Engineers -                    | 2           | —          | 2              |                                                           |
| Major H. Butler                       | 57th Regiment -                      | 8           | 3          | 175            |                                                           |
| Capt. T. W. J. Lloyd                  |                                      |             |            |                |                                                           |
| Capt. F. J. Schomberg                 |                                      |             |            |                |                                                           |
| Capt. H. R. Russell                   |                                      |             |            |                |                                                           |
| Lieut. W. R. Thompson, Act. Adj.      |                                      |             |            |                |                                                           |
| Lieut. R. A. H. Cox                   | 70th Regiment -                      | 1           | 1          | 2              |                                                           |
| Lieut. A. C. Manners                  |                                      |             |            |                |                                                           |
| Ensign P. E. Powys, Act. Q. M.        |                                      |             |            |                |                                                           |
| Ensign T. F. Down                     |                                      |             |            |                |                                                           |
| Capt. A. B. Wright                    | Mounted Corps -                      | 1           | —          | 20             |                                                           |
| Ensign H. Whidbourne                  |                                      |             |            |                |                                                           |
| Capt. F. T. Mace                      | Melbourne and Otago Volunteers - - } | 13          | 1          | 218            |                                                           |
| Capt. J. G. Corbett                   |                                      |             |            |                |                                                           |
| Capt. J. McKellar                     |                                      |             |            |                |                                                           |
| Capt. A. Page                         |                                      |             |            |                |                                                           |
| Capt. E. Carthew                      |                                      |             |            |                |                                                           |
| Lieut. W. Hussey                      |                                      |             |            |                |                                                           |
| Lieut. G. J. Gosling                  |                                      |             |            |                |                                                           |
| Lieut. J. Kelly                       |                                      |             |            |                |                                                           |
| Lieut. J. H. Clarke                   |                                      |             |            |                |                                                           |
| Capt. H. A. Atkinson                  |                                      |             |            |                | Taranaki Rifle Volunteers - }                             |
| Capt. C. Stupp, Adj. T. Militia       |                                      |             |            |                |                                                           |
| Capt. T. Good                         |                                      |             |            |                |                                                           |
| Lieut. M. Jones                       |                                      |             |            |                |                                                           |
| Lieut. J. Hirst                       |                                      |             |            |                |                                                           |
| Ensign A. Bailey                      | Total - - -                          | 36          | 7          | 627            |                                                           |
| Ensign T. M'Guinness                  |                                      |             |            |                |                                                           |
| Ensign J. Brown                       |                                      |             |            |                |                                                           |
| Ass. Surg. H. J. Webber               |                                      |             |            |                | Militia.<br>Serjts. Drum. Rank & File.<br>25 3 389        |

(Signed) H. J. WARRE,  
Col. Commanding Troops, Taranaki.



FORMAL RETURN of the Killed and Wounded of the Troops at Au Au on the 24th and Kaitake on the 25th March 1864.

NEW  
ZEALAND.

| Nos. | Regimental No. | Rank and Names.          | Years of |           | Date of Wound.      | Place of Wound. | Nature of Injury.                | Results. | Remarks.        |
|------|----------------|--------------------------|----------|-----------|---------------------|-----------------|----------------------------------|----------|-----------------|
|      |                |                          | Age.     | Service.  |                     |                 |                                  |          |                 |
|      | 3188           | Private Thomas Bishop -  | 35       | 17        | 1864.<br>24th March | Au Au -         | Gunshot wound of right fore arm. | Severe.  |                 |
|      | 3549           | " Michael Hynes -        | 27       | 9         | "                   | " -             | Gunshot wound of left elbow.     | "        |                 |
|      | 2086           | " William Neary -        | 33       | 17        | 25th March          | Kaitake         | Gunshot wound of left thigh.     | "        | Ball extracted. |
| V.   | —              | Serjeant James Appleby - | 27       | Mos.<br>8 | "                   | " -             | Gunshot wound of right thigh.    | "        |                 |

The Deputy A. Quartermaster-General,  
&c. &c. &c.  
New Plymouth.

(Signed) J. E. YOUNG, M.D.,  
Staff Surgeon.  
H. J. WARRE,  
Col., Com. Troops, Taranaki.

No. 3.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

No. 3.

(No. 50.) Government House, Auckland, April 5, 1864.  
(Received June 13, 1864.)  
(Answered No. 75, June 25, 1864, page 18.)

Y LORD DUKE,  
IN your Grace's Despatch No. 12,\* of the 26th of January I am directed to state, reference to certain murders which had been committed by natives of these islands, to what extent these crimes are referable to the savage lawlessness of individual persons or families, and how far they represent the feeling in which the natives generally are determined to carry on the war.

\* Vide Papers presented by Command, March 3, 1864, page 106.

2. I referred this Despatch to my Responsible Advisers, and the Colonial Secretary states in regard to it that, in his opinion, the atrocities alluded to are exceptional, but that the exception includes a very considerable portion of the native race, and that had the rebel forces been allowed to remain unchecked they would probably have become general.  
3. I ought to state that, in my belief, the custom of the native race in their savage state has immemorially been as follows: If any families were in their belief wrongfully deprived of land by others stronger than themselves, whom they could not successfully resist in open war, they sought revenge in sudden murders before they totally abandoned the soil, as much as to say, at least our property shall cost you dear. This custom they have in great part followed to the present day, although the enclosed copy of a paper sent recently to the Government by the natives in Tauranga will show that a feeling much more in consonance with the teachings of Christianity is now springing up amongst many of the natives.

I have, &c.  
(Signed) G. GREY.  
His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

Enclosure in No. 3.

Encl. in No. 3.

TO THE COLONEL,  
FRIEND, salutations to you. Potiriwhi, District of Tauranga, March 28, 1864.  
The end of that, friend, do you give heed to our laws for (regulating) the fight.  
Rule 1. If wounded or (captured) whole, and the butt of the musket or hilt of the sword be turned to me, (he) will be saved.  
Rule 2. If any Pakeah, being a soldier by name, shall be travelling unarmed and meet me, he will be captured, and handed over to the directors of the law.

NEW  
ZEALAND.

Rule 3. The soldier who flees, being carried away by his fears, and goes to the house of the priest with his gun (even though carrying arms) will be saved, I will not go there.

Rule 4. The unarmed Pakeahs, women, and children will be spared.

The end. These are binding laws for Tauranga.

By TEREPA PUIMANUKA.

WI KOTIRO.

PINE ANOPU.

KERETI.

PATERIKI.

Or rather by all the Catholics of Tauranga

No. 4.

No. 4.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 52.)

Government House, Auckland, April 6, 1864.

(Received June 13, 1864.)

(Answered No. 77, June 27, 1864, page 19.)

MY LORD DUKE,

I HAVE the honour to report that an action was fought with the rebel natives at a place named Orakau, on the Upper Waipa, upon Saturday, the 2nd instant. I have not yet received General Cameron's official report of this action, but as it is an important one I enclose copies of the several letters and telegrams I have received regarding it, in order that your Grace may receive the earliest information on the subject.

2. For a day or two previously to the 2nd the natives had laid ambuscades to interrupt the General's communication with the Waipa, the General himself being on the Waikato river, engaged in making preparations to attack the native position at Manugatautari. On Wednesday, the 30th of March, Major McNeill, an aide-de-camp of General Cameron's, was nearly shot in passing from the Waipa to the Waikato.

3. These ambuscades were laid by the scouts of a party of natives who had come down to Orakau, where they were entrenching themselves, with the evident design of interrupting our line of communication.

4. Brigadier-General Carey, who was in command of the troops on the Waipa, therefore determined to attack this place on the morning of Thursday, the 31st, and by a rapid night march on Wednesday arrived before the place on Thursday morning, and at once surrounded it.

5. On first coming up to the place an assault appears to have been attempted, which resulted in a rather heavy loss on our side. General Carey then proceeded to sap up to the place.

6. General Cameron arrived at Orakau on Saturday morning, and to spare, if possible, the lives of the natives, sent them a message, asking them to surrender, to which they replied, "We will fight for ever and ever." The General then asked them to permit the women and children to come out. The reply was, "The women would fight too."

7. At 4 p.m. on Saturday the natives made an heroic sortie from their entrenchment upon the troops, as far as I can gather; but I may be wrong in this estimate, as my information is yet very imperfect. There were 400 natives in all, and about 240 of them forced their way through our line, and escaped, leaving 120 killed, and 33 prisoners in our hands, 26 of whom were wounded. Our loss, as far as I yet know, is three officers killed and wounded, and about 40 non-commissioned officers and men. Nothing could be better than the conduct of our troops.

8. This action, so disastrous to the natives, will, I sincerely trust, prove one great means of bringing this lamentable war to a conclusion. From the last telegram I have sent your Grace you will find that one of its results has already been that the natives have abandoned the position at Manugatautari which the Lieut.-General was preparing to attack.

I have, &c.

(Signed) G. GREY.

His Grace the Duke of Newcastle, K.G.,

&c.

&c.

&c.

Enclosure 1.

Gen. Cameron to Sir G. Grey, Pukerimu, Mar. 31, 1864.

Enclosure 2.

Mr. Mainwaring to Mr. Fox (private), April 2, 1864.

Enclosure 3.

Mr. Mainwaring to Col. Sec. (official), April 2, 1864.

Enclosure 4.

Gen. Cameron to Sir G. Grey, Pukerimu, April 3, 1864.

Enclosure 5.

Two Telegrams from Gen. Cameron, April 3, 1864.

Enclosure 6.

Gen. Cameron to Sir G. Grey (enclosing Telegram), April 4, 1864.

Encl. 1 in No. 4.

Enclosure 1 in No. 4.

MY DEAR SIR GEORGE, Pukerimu, March 31, 1864.

I HAVE received Colonel Warre's official report of his capture of the three pahs, and I forward it to you. He appears to have managed the affair very cleverly.

The Ngatimaniapotos have begun to give us trouble on the road between this and Awamutu, and am about to establish a post half way between the two places. I forget whether I mentioned to you



that two orderlies of the Colonial Defence Force were fired at a few days ago by an ambuscade of about 30 natives, but escaped unhurt, though the horse of one of them was wounded in six or seven places. Yesterday McNeill had a very narrow escape. He went to Awamutu, and on his return, when about half a mile on this side of Ohaupo, seeing some natives moving about, he sent one of his two orderlies back to Ohaupo, to fetch up a detachment of 100 men, who happened to be there destroying and levelling the pah. Shortly afterwards a volley was suddenly fired at him by about 60 natives concealed in the fern. He and the orderly immediately turned round and galloped back towards Ohaupo, but unfortunately the orderly's horse fell, threw his rider, and got loose. The natives pursued the orderly, yelling and firing at him, but McNeill, who had stopped immediately he found the orderly was not following him, caught the horse and held him till the man came up and mounted. At this time the natives were not more than 50 yards from them, and firing heavily at them, but they were fortunate enough to escape untouched, and found the detachment which was rapidly coming up to their assistance. The natives made their escape into the bush. Some time afterwards a party of the same people allowed our native messenger to pass them with the mail bag unmolested.

Yesterday a body of natives was observed constructing rifle pits at Orakau, about three miles from Kihikihi. Carey told McNeill that he would attack them early this morning, but as yet we have heard no firing in that direction. I sent him last night a reinforcement of 200 men.

His Excellency Sir George Grey, K.C.B.,  
&c. &c. &c.

Very truly yours,  
(Signed) D. A. CAMERON.

Enclosure 2 in No. 4.

Encl. 2 in No. 4.

MY DEAR MR. FOX,

12, Saturday morning, before Orakau.

WE are here unexpectedly with a lot of Ngatimaniapoto inside a redoubt. The sap is within a few yards of them. General Carey left Awamutu early on Thursday morning, and surrounded the Maoris unexpectedly. Mair and I went up to the pah with a message from General Cameron, who arrived here at 6 a.m. this morning; the answer to our offer of surrender was, "We will fight ake, ake, "ake" (for ever). We then offered to take the women and children out, but they said the women would fight.

We hope to get in in about half an hour. The Maoris just made a rush to try to escape. Captains Hurford and Ring both killed. Maori reinforcements are in our rear and keep firing. I will write officially from Awamutu.

Very truly yours,  
(Signed) R. C. MAINWARING.

Enclosure 3 in No. 4.

Encl. 3 in No. 4.

SIR,

Te Awamutu, Saturday, 11 p.m.

AT 4 p.m. this afternoon the Maoris made a most gallant push out of the pah, down the hill and across the swamp, running the gauntlet through a most tremendous fire from the troops. Wiremu Karamoa, of Ngamawahia came out the opposite side with a white flag, and gave himself up. The Maoris behaved most splendidly, calling for admiration on every side. They were without water from Thursday morning till this afternoon.

The following chiefs are killed or taken prisoners. I have not time to get more particulars about them, but I have requested Mr. Mair to do so.

Aporo, Ngatikoura.  
Te Reweti, Nriwera.  
Pikia, ditto.  
Peneamine, ditto.

Ropata, Ngatiraukawa.  
Paerata Taupo.  
Karamoa Takirau (prisoner).  
? Hone Kingi, Ngatimahuta?

Rewi was in the pah, but I cannot say whether he escaped untouched. The native loss may fairly be estimated at 70 killed; numbers are wounded, and I regret to say a large quantity of women. General Cameron and staff start for Pukerimu at daylight, and I suppose Monday will see us within a few yards of the paha at Manugatautari.

Our loss I believe to be 10 killed and from 30 to 40 wounded, most of them seriously so.

I must take this opportunity of mentioning John Gage, who deserves especial reward for the admirable manner in which he conducted the troops on Wednesday night. The darkness, I believe, was intense. His mother was among the prisoners. I hope you got my pencil note.

I have, &c.,  
(Signed) R. C. MAINWARING.

Enclosure 4 in No. 4.

Encl. 4. in No. 4.

MY DEAR SIR GEORGE,

Pukerimu, April 3, 1864.

I RETURNED here at 9 o'clock this morning. I sent you a short telegram last night with the news of the flight of the Maoris from Orakau. But for the want of vigilance on the part of the 40th Regiment, who were stationed at that part of the cordon to which they directed their flight, not a man of them would have escaped. Their loss, however, is much heavier than I stated in my telegram. The Mounted Artillery and Colonial Defence Force pursued them to a great distance, and did considerable execution. I shall not be surprised to find that they have had 80 killed. If the prisoners are to be believed, Rewi was among the defenders of the pah, and was wounded, and they think he must be lying somewhere in the Ti-tree. In order to encourage the men to make a thorough search, I have offered a reward of 10*l*. for his body. One cannot help admiring the heroism of these Maoris in holding out

NEW ZEALAND. so bravely against such immense odds, and then preferring to try to force their way out, with the almost certain prospect of death, rather than surrender. Colonel Carey deserves great credit for the clever manner in which he succeeded in surrounding them. I shall get back the reinforcements I sent him to-morrow, and I shall then be in a position to commence operations.

Very truly yours,  
(Signed) D. A. CAMERON.

Encl. 5 in No. 4.

Enclosure 5 in No. 4.

Copies of two telegrams received from Lieut.-General Cameron, April 3, 1864.

No. 1.

We are sapping gradually up to the position, and shall probably take it this afternoon (2nd April). They made an attempt to escape from the work, but were quickly driven into it again. On my arrival here this morning I sent word to them that if they would surrender their lives would be spared. They refused. Our casualties amount in all to upwards of 30.

Captain Ring, killed; Captain Hurford, dangerously wounded; Captain Fisher, slightly.

No. 2.

The rebels escaped out of their entrenchments at about 4 o'clock, and fled in a south-westerly direction. The number of Maoris killed has not yet been ascertained, but probably amounts to 50, some of whom were killed in the work and some in the retreat. Our casualties are about eight men more than I reported in my last telegram.

Forwarded from Rangiriri.

To the Governor, Auckland.

Encl. 6 in No. 4.

Enclosure 6 in No. 4.

MY DEAR SIR GEORGE, Pukerimu, April 4, 1864.  
I RECEIVED General Carey's despatch this morning. He states that 101 Maoris have been killed, besides 18 to 20 reported by native prisoners to have been buried in the pah; 33 have been taken prisoners; 26 of them wounded. Rewi has not been found. This is the severest lesson the Maoris have ever learned, and will, I hope, have a good effect.

His Excellency Sir George Grey, K.C.B.,  
&c. &c. &c.

Very truly yours,  
(Signed) D. A. CAMERON.

Telegram from Lieut.-General Cameron, C.B., to the Governor.

April 6, 1864.

In making a reconnaissance of the Manugatautari position from the right bank of the Waikato, we found it abandoned, and the natives retiring up the left bank. I have sent a detachment to occupy it.

No. 5.

No. 5.

COPY of a DESPATCH from Governor Sir George GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 53.)

Government House, Auckland, April 6, 1864.

MY LORD DUKE,

(Received June 13, 1864.)

(Answered No. 76, June 27, 1864, page 18.)

YOUR Grace is aware that upon the 20th of November last 183 natives were taken prisoners at Rangiriri. Amongst these men were some chiefs of rank and consequence. They have since been kept in confinement on board the hulk "Marion," in the harbour of Auckland, and up to this date nothing has been decided with regard to their fate.

2. I have repeatedly pressed upon my Responsible Advisers the propriety of coming to some decision upon this subject. I believe that the uncertainty which hangs over the course intended to be pursued with regard to these prisoners, and consequently with regard to any other prisoners we take, induces a spirit of desperation amongst the native population, which, whilst it is sad to see, is quite unnecessary, as I am satisfied that although the Colonial Ministry seem unable to make up their minds as to the course they should advise me to pursue, they wish to see the prisoners generously and leniently dealt with.

3. The enclosed letter, received from a well informed native chief on the 4th of March last, will show the feeling prevailing amongst the natives. He states that the cause of the sadness of the Waikato tribes, and of their determination to persist, even to death, in the course on which they have embarked, is their belief that the chiefs of Waikato whom we have taken prisoners, and who are kept in close confinement on board a hulk, will, when the war is ended, be transported to some island where they will be imprisoned, and then hanged.

4. I also enclose copies of a correspondence between myself and my Responsible Advisers in relation to this subject, from which your Grace will see that upon the 9th ultimo they undertook that, upon the return of the Colonial Secretary from Kaipara, they would be

ipene Kai-  
n to Mr Fox  
uiku, March  
1864.

mo. by Mr.  
x, March 9,  
64.



prepared to take the case of these prisoners into consideration, with a view to immediate and final action; but as yet nothing has been done in this matter.

His Grace the Duke of Newcastle, K.G.,

&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

NEW  
ZEALAND.

Mr. Main-  
waring to Sir  
G. Grey, March  
3, 1864.

Memo. by Sir  
Grey, Feb. 29,  
1864.

Memo. by Mr  
Fox, April 7,  
1864.

P.S.—Since writing this Despatch I have received from my Responsible Advisers a memorandum, a copy of which is enclosed, advising me as to the course they think should be pursued in regard to the rebel prisoners. When I have had time to consider this memorandum I will reply to the Colonial Ministers, and forward to your Grace a copy of my reply. I will only at present state that my own opinion is adverse to bringing a considerable number of the prisoners to trial. If such a step can in any way be avoided I would prefer releasing them on parole.

G. G.

Enclosure 1 in No. 5.

Encl. 1 in No. 5.

To Mr. Fox and Mr. SHORTLAND,

Waiuku, March 1, 1864.

FRIENDS SALUTATIONS. I have only just heard of the reason why Waikato persists in their evil course. They have been informed by some person that the chiefs of Waikato, when the war is ended, will be brought to trial, and then transported to some island, after which they will be imprisoned and then hanged.

This is the cause of their sadness, and in persisting in their evil course unto death.

When Ngawai heard of these words, her heart started with love (towards her people), and a desire sprung up to go and hear the Governor's and your words. She has also expressed a desire that she should proceed to Waikato to (endeavour) to suppress their wrong (doing), and cause the fighting to cease.

But it is for you to decide. Should you think well of the (proposal) write that I may know. Should you not agree to it, write. Should you both consent to my word, let Mr. Rogan again come to accompany us to Waikato; that is, if you think well myself and Wautu Kukutae would take our sister (Ngawai) to make peace with the chiefs of Waikato, and cause their king to be suppressed, and their flag to be given up, and the guns and all instruments of war to be given up to the General. Should they (the Waikatos) listen, it will be well. If not, let them be as children of evil on the earth, and cause the great rod to touch them. Oh, friends! let this be an act of favour on our part. After which leave them to their own desires, should they still persist (in their evil course). Enough.

From your loving friend,

(Signed) AIHEPENE KAIHAU.

Enclosure 2 in No. 5.

Encl. 2 in No. 5.

Memorandum for his Excellency.

In reference to his Excellency's memorandum relating to the prisoner Ti ori ori, and also in reference to the notice proposed to be issued to the natives in arms in Waikato.

Ministers respectfully suggest that, considering the temper exhibited by the natives in arms, particularly as indicated by a late letter from Wm. Thompson to the natives on the east coast, considering also the fact that no part of the Waikato belonging to Wm. Thompson has yet been taken possession of, and, further, that General Cameron proposes immediately to operate on Manugatautari and the adjacent country, action on either subject would be premature.

Ministers think, however, that, as soon as General Cameron is in possession of Manugatautari, a proclamation by his Excellency, embodying the substance of the annexed notice, should be issued.

In reference to Ti ori ori ministers think his exceptional release on parole, at present, would be an act of doubtful expediency; and that it would be better to decide finally on the course to be pursued with the prisoners generally when any special indulgence might be granted to Ti ori ori, to which the circumstances recorded in his Excellency's minute may then be held to entitle him.

On the return of the Colonial Secretary from Kaipara, ministers will be prepared to take the case of all the prisoners into consideration, with a view to immediate and final action.

I have, &c.

(Signed) WILLIAM FOX.

#### Proclamation.

To the "Iwi Maori" who have been fighting in Waikato.

General Cameron and the soldiers have taken possession of Waikato, and are now encamped at Rangiaohia, Awamutu, and Kihikihi; the Government intends immediately to put military and other settlers on the lands of Waikato, there to have farms and houses for themselves, their wives, and their children for ever, so long as they shall live. The Maoris fighting against the soldiers have had several opportunities of laying down their arms and giving over fighting. They have been very obstinate; and now their land, the land of Waikato, is gone. But the Government is desirous of giving them one more chance before all Waikato is given to the Pakeha settlers. Let those, therefore, who desire to remain in Waikato, and will be obedient to the Queen's law, come before General Cameron, or some Queen's magistrate, wherever he may be. Let every man who comes give up his gun, his powder, his bullets, and his caps. Let him give them to General Cameron or to the Queen's magistrate. Let his name

NEW  
ZEALAND.

also be written down that he will obey the Queen's law. Then let him go to whatever place the Government shall tell him to go to, let him live there till it shall be pointed out to him where shall be his permanent place to reside. All the land of those who have been fighting is justly forfeited to the Crown, but part of it will be restored to those who now come in without delay, as pointed out in this paper, from consideration of the wants of themselves, their wives, and their children. The Government will give them back enough for each man; for this, each man shall have a Crown grant. Those who agree to this, and do as above written, will not be made prisoners, nor punished personally for what they have already done, except those who have committed murders. Murderers shall not be forgiven; when they are discovered they will be tried, and, if found guilty, punished by the law for evil work.

## Enclosure 3 in No. 5.

Auckland, March 3, 1864.

Encl. 3 in No. 5. SIR,

IN compliance with your request that I should bear some testimony in favour of Tioriori's conduct in Upper Waikato previously to the commencement of the war, and more especially with reference to the part he took at the Awamutu affair, I think I can fairly say that he is the man to whom we are chiefly indebted for the preservation of our lives and property. At Ngaruawahia and at Rangiaohia he did not hesitate to support us in the face of Ngatimaniapoto, and most willingly consented to our proposal that his boys should accompany us to Auckland.

I think the incidental allusion to Tioriori, in Mr. Gorst's various letters from the Awamutu, will bear out what I have said, and, further, I feel confident that every European in our employ at that time will confess to a feeling of gratitude to Tioriori.

His Excellency Sir George Grey, K.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) R. C. MAINWARING.

## Enclosure 4 in No. 5.

Encl. 4 in No. 5. The Governor transmits for the consideration of his Responsible Advisers the accompanying papers in relation to the chief Te Ori Ori, now a prisoner on board the hulk "Marion."

1st.—A letter from Mr. Berry to Mr. Marshall (and papers connected therewith), detailing the circumstances under which Te Ori Ori interfered in September last to save Mr. Berry and Mr. Anderson from the Ngatimaniapoto tribe.

2nd.—A letter from Mr. R. O. Stewart (now Resident Magistrate of the Lower Waikato), dated 15th September 1863, showing the conduct of Te Ori Ori in sending back the Ngatimaniapoto from the vicinity of a mission station and of our settlements, because he regarded them as a ruthless tribe, not to be depended upon, at the same time expressing indignation at the offences they had committed.

3rd.—Two statements from Mr. Puckey and Mr. White which render it apparently probable in a high degree that Te Ori Ori, in the action at Rangiriri, although engaged [against?] us, received two wounds in efforts he made to save the life of Captain Mercer, or of some wounded British officer.

4th.—A copy of a statement made to the Governor by Mr. Rogan on the 27th inst. regarding the prevailing opinion or impression in the native mind on the subject of Te Ori Ori's captivity.

The Governor submits that the facts disclosed in these papers render it expedient that Te Ori Ori should receive a conditional pardon, and that he should be released from confinement on his parole, residing for the present in such place as the Government may appoint, being allowed to have his immediate family with him.

The question as to the extent of land he should be regarded as having forfeited for having actually borne arms against the Government could be hereafter settled.

But the Governor feels that, looking to the rank of Te Ori Ori, and to the generous manner in which he acted when actually with the rebels, a very strong and excellent effect will be produced upon the native population generally by the prisoner's being released from confinement, whilst it is also his opinion that the conduct of the prisoner entitles him fully to this consideration at our hands.

February 29, 1864.

(Signed) G. GREY.

TO UNDERWOOD.

You must go away to-day and not be long about it; there is evil on this side.

(Signed) TE TIRINI (Tioriori).

## LETTER FROM MR. JAMES BERRY TO MR. MARSHALL.

DEAR SIR,

I THINK it was on or about the 7th September, between two and three in the afternoon, when I had that interview with Te Ori Ori. A short time after dinner I heard the dog bark as if he saw strangers, presently I saw some armed natives moving stealthily in the bush and fern at the back of the house. I went immediately towards them, when two of them advanced a little, whom I saluted in the usual way, when they shook hands and were quite friendly. After having some preliminary conversation, one of them said that Te Ori Ori had sent that he wished to speak to me, but that he was a short distance inland, and then asked in a rather decided manner whether I would go or not. I did not hesitate a moment, so we started for inland (Bill accompanied me, who had joined us whilst this was going on). I was received by Te Ori Ori in his usual friendly way, asked a great number of questions. He said I should leave Te Wharangi immediately before night; he appeared anxious that I should do so as soon as possible. He said that he had placed himself between me and strange natives (who were but a very short distance away), to protect me and Mr. Underwood till we could get away. I urged him to extend his protection till Mr. Underwood came back from Auckland, or till next day; that I had no canoe to take away any goods or property, as Mr. Armitage had all our canoes. This



he said he could not do; he then procured materials for writing a note to Mr. Underwood, which you have seen.

You are already aware that before I could get away that night I was surrounded and robbed by the natives, but that some of the people who were with Te Ori Ori when I saw him came there also, and, I think, exercised some influence in preventing violence, &c.

Yours obediently,  
(Signed) J. BERRY.

Office of the Lower Waikato Resident Magistracy,  
Taupari, September 15, 1863.

SIR,

I HAVE the honour to acquaint you that Tioriori, chief of the Ngatikoroki, and nearly related to W. P. Kukutai and to Mrs. Armitage, had an interview yesterday forenoon with the Ngatitipa.

That hostile chief was attended by 12 of his own tribe and of the Ngatibana, and their objects in visiting this station were to condole with his relatives by marriage on the death of Mr. Armitage, to express their disapproval of the doings of the Ngatimaniapoto in that dreadful work, as well as in their hovering about this neighbourhood, and helping themselves to some of the food of the Ngatitipa, which had been stored in the bush at some distance from this settlement.

Tioriori informed us that the Ngatimaniapoto has asked leave to come and attack some of the forts lying between Te Ia and Waiuku, and had been permitted. He, however, suspecting them, had followed them, and had stopped them from killing Mr. Berry (Mr. Underwood's partner) a few days ago. He had heard of them being here, and had now sent them back to Meremere, as they were a ruthless tribe, and not to be depended upon. He also informed us that the main body of the rebels is now at Paparata. This position is clearly chosen because of its proximity to the Thames or Piako, an easy portage of only four or five miles dividing the two waters (of Thames and Waikato). It is probable that they receive supplies of food, &c. that way.

Tioriori expressed his opinion that if once the rebels were fairly worsted at Meremere, they would be inclined to listen to or to ask for terms of peace.

With reference to the killing of Mr. Armitage, Tioriori said that it was done at the instigation of Ngatipou, in revenge for that gentleman having been the agent who warned them off their land at Tuakau, and that they themselves (the Ngatipou) were in ambush to shoot Mr. Armitage about the 20th ultimo when he passed Wharangi (on Mr. Underwood's land) in his canoe going down the river. As, however, Niui Kukutai \* was in the canoe along with him, they were afraid to fire, lest they should kill that friendly native.

\* (?) or another  
ative.

I have further the honour to acquaint you that W. P. Kukutai has this morning received letters from Ruihana and others at Meremere, in which he is informed that Aihepene and the Ngatiteata had been written to to leave Waiuku clear for an attack by the rebel natives. Walter was requested to receive these friendly natives from Waiuku, and to keep them with himself here out of the way of danger.

The messenger said that the 20th is the day fixed by the natives for attacking the troops at Meremere.

The country between this place and opposite Te Ia is wholly Ngatipou land, and I have the honour to acquaint you that the rebels seem to be taking possession of it and fortifying themselves on the hill called Pukekana, about two miles inland from Mr. Underwood's and Mr. Marshall's farms. They have also commenced to plant potatoes, &c. at Pukekana, which, I am told, is an extremely strong position and very difficult of access. Their intention in thus occupying the left bank of the Waikato seems to be that they may be there out of the reach of the troops, preserving a rough country in their own rear, and that they may be able to cross over the river to the right side at their pleasure, and harass settlers and positions there. They have at present many large canoes in their possession, and could, if they chose, help themselves to many more, which are now in the hands of the Ngatitipa, the Ngatitabinga, and other friendly people. They have at present the command of the river below Te Ia, and since the murder of Mr. Armitage and his companions on the 7th instant, no Europeans have passed up or down with the exception of a few who went hence yesterday expecting a passage in the barque "City of Melbourne" for the Manukau.

I have, &c.  
(Signed) R. O. STEWART,  
Clerk of the Resident Magistracy.

#### RECOLLECTIONS of a Conversation with Tioriori on board the Prison Ship "Marion."

HAVING heard that a number of the Ngatimaniapoto natives had set off with the intention of killing Mr. Underwood and another white man, I and a number of my men went by a short cut, so as to get to their house before the Ngatimaniapotos. We arrived first, and I and my men sat down on the top of the hill a short distance from the house, on the road by which the Ngatimaniapoto would have to come. I then sent a messenger to tell Mr. Underwood to come up to me. "Meinga atu ko Tioriori tenei." "Tell him Tioriori is here." He therefore came, and I told him to remove his things at once across the river, and that I would assist him. I pointed out the danger of remaining where he was, and told him that he would be safer across the river. He set to work at once, and with my assistance removed his property across. My men were hungry, and I asked him for some potatoes; he gave me two baskets.

During the attack upon Rangiriri I saw a wounded soldier; he had ribbons on each side of his coat, he was lying in a position where he was liable to be struck by the bullets of both his friends and foes. I went to save him, so that I might be able to say, "He is a man whose life I have saved." I assisted him to rise, and with my arms extended supported him towards a hollow, where he would not be exposed to the fire of either party. Whilst I was in the act of assisting him I was struck by two balls, one

NEW  
ZEALAND.

immediately after the other, one in the heel, the other in the calf of the leg. I then left him and returned to the pah; shortly after this I was struck by a bullet on the thumb.

The above is to the best of my recollection the substance of Tioriori's statement to me.

(Signed) E. W. PUCKEY,  
Interpreter.

Auckland, February 27, 1864.

Tioriori told me soon after he came on board the "Curaçoa" that while he was in the rifle pits near the edge of the lake at Rangiriri, he saw an officer fall close to the entrance of the pah. He left the rifle pits with the intention of placing the officer in a hollow out of the way of the balls, but was wounded in the right leg and left heel just before he got up to him. He returned, and just as he reached the rifle pits he received a wound in the left thumb; just as he was struck he saw the officer roll down into the hollow,

(Signed) T. A. WHITE.

Mr. Rogan states as follows:—

A considerable time since, as I was travelling through Kaipara, the natives there had a discussion as to the probable fate of the prisoners taken at Rangiriri. Te kana expressed it as being the opinion of many natives throughout the district, and also that of the natives of the Thames district, that there was one particular chief who had been captured amongst the party who was without offence, and that chief was Tioriori. This made some impression on my mind, and afterwards I had an opportunity of speaking about it to Te kana; he said if Tioriori were released by the Government and allowed to go to his own country, it would have a great effect on the minds of the natives as regards their continuance of the war, and that under any circumstances, if Te Ori ori were released and allowed to return to his own district, he would be certain to induce his own particular people, the Ngatikoroki, to withdraw from the war, and that according to native custom in all future time the descendants of Te Ori ori would never stand in arms against the Government.

Information given to me by Mr. Rogan, the 27th of February 1864.

(Signed) G. GREY.

Encl. 5 in No. 5.

Enclosure 5 in No. 5.

#### MEMORANDUM.

His Excellency the Governor,

&c. &c. &c.

ative prison.  
rs.

REFERRING to his Excellency's request, more than once repeated, that Ministers would decide on the course to be adopted with the prisoners taken at Rangiriri and in other engagements with Her Majesty's forces without further delay, Ministers beg respectfully to state that they have deferred advising any action in the matter chiefly for the following reasons:—

1st. That they hoped that the contemplated capture of Manugatautari, the last remaining stronghold of the natives in Waikato, might have led to a decisive result, which would have enabled them to advise that the prisoners should be released, or at least dealt with in some way which might have obviated the necessity of a trial.

2nd. The fact that the Royal Assent to the Suppression of Rebellion Act, under which they conceive it most expedient to try the prisoners (if at all), has not yet been received in the Colony. Should a trial under this Act take place, and the Act be proved to have been disallowed, the consequences might be very serious, and greatly complicate the position of the Government towards the natives, both loyal and in rebellion.

3rd. Though Manugatautari has now fallen into our hands, that event has not occurred under such circumstances as to give it all the significance which it might have had, and at this moment Ministers have no information as to what may be the result, whether it may end (as they would hope) in shaking the confidence of the rebels and leading to their submission, or may operate in a contrary direction.

For the above reasons ministers still feel that to bring the prisoners to trial is a step which requires grave consideration, and which they would not at this moment have recommended of their own motion. But as his Excellency has pressed them so strongly on the subject, and appears to entertain so decided an opinion upon it, ministers are prepared to surrender their own and acquiesce in that of his Excellency.

They therefore beg to advise that the whole of the prisoners now in the hands of the Government be brought to trial before a court constituted under the Suppression of Rebellion Act, consisting exclusively of officers in Her Majesty's Service, it being in the opinion of Ministers desirable that the tribunal should consist solely of persons not in any way personally interested in the Colony as settlers or otherwise.

WILLIAM FOX.

Auckland, April 7, 1864.



## Despatches from the Secretary of State.

## No. 1.

NEW  
ZEALAND.  
No. 1.COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to  
Governor Sir GEORGE GREY, K.C.B.

(No. 56.)

SIR,

Downing Street, May 26, 1864.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 38,\* of the 29th of February, forwarding, for my information, a report by Mr. Featherstone, the Superintendent of the Province of Wellington, respecting the feelings of the natives in that district.

I have read this clear and interesting report with much pleasure, and I trust that the exertions of Mr. Featherstone to adjust the land dispute at Rangitikei between the different tribes, and to prevent them from making common cause with the rebel natives, will be successful.

\* Vide Papers presented by Command, June 1864, page 38.

I have, &amp;c.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

(Signed) EDWARD CARDWELL.

## No. 2.

No. 2.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to  
Governor Sir GEORGE GREY, K.C.B.

(No. 57.)

SIR,

Downing Street, May 26, 1864.

I HAVE the honour to inform you that I have read with much interest the account written by the chief Wiremu Nero of his visit to the rebel natives after the occupation of Ngaruawahia, which was forwarded in your Despatch, No. 29,† of the 17th of February last.

I have, &amp;c.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

(Signed) EDWARD CARDWELL.

† Vide Papers presented by Command, June 1864, page 28.

## No. 3.

No. 3.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to  
Governor Sir GEORGE GREY, K.C.B.

(No. 58.)

SIR,

Downing Street, May 26, 1864.

I HAVE received your Despatch, No. 35,‡ of the 29th of February, transmitting a memorandum by your Responsible Advisers, in relation to my predecessor's Despatch, No. 113,§ of the 26th of November last.

It is very satisfactory to me to find that your Responsible Advisers adopt the principles expressed in that Despatch, and are resolved to carry into effect the measures which it has been decided to adopt in regard to the land of the rebel natives in a spirit of prudence and justice.

I have nothing to add to the expression of opinion on this subject conveyed to you in my Despatch, No. 43,|| of the 26th ultimo.

I have, &amp;c.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

(Signed) EDWARD CARDWELL.

‡ Vide Papers presented by Command, June 1864, page 35.

§ Vide Papers presented by Command, March 3, 1864, page 104.

|| Vide House of Commons Paper No. 326, page 47.

NEW  
ZEALAND.  
No. 4.

No. 4.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to  
Governor Sir GEORGE GREY, K.C.B.

(No. 59.)

SIR,

Downing Street, May 26, 1864.

\* Vide Papers  
presented by  
Command,  
June 1864,  
page 42.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 40,\* of the  
7th of March, transmitting a translation of a letter addressed by Wm. Thompson to  
some chiefs on the east coast of the island, in which he describes the recent actions with  
the troops.

I have, &amp;c.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

(Signed)

EDWARD CARDWELL.

No. 5.

No. 5.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to  
Governor Sir GEORGE GREY, K.C.B.

(No. 60.)

SIR,

Downing Street, May 26, 1864.

† Vide Papers  
presented by  
Command,  
June 1864,  
page 43.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 41,† of the  
8th of March, transmitting a translation of a letter addressed to you by the chief of  
the Whakatohea tribe, which contains a declaration of war.

I trust that the efforts to explain to this tribe the intentions of the British Government,  
and thus to dissuade them from joining the insurgents, may have proved successful.

I have, &amp;c.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

(Signed)

EDWARD CARDWELL.

No. 6.

No. 6.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to  
Governor Sir GEORGE GREY, K.C.B.

(No. 63.)

SIR,

Downing Street, May 26, 1864.

I HAVE had under my consideration the following Act, passed by the General  
Assembly of New Zealand in their last Session:—

No. 10, "An Act to enable Provincial Legislatures to pass Laws authorizing the  
" compulsory taking of Land for Works of a Public Nature."

I observe that this Act applies to all land within the province, without excepting  
those to which the native title has not been extinguished. This appears to me open to  
grave objection in point of policy. The Home Government has, I think, under present  
circumstances, a right to require that laws calculated to affect so seriously the relations  
between the European and native races should be enacted on the responsibility and by  
the authority not of a Local Council, who from the nature of the case can only represent  
local interests, but of the General Assembly, whose decisions are adopted with reference  
to the interests of the whole Colony, and are brought under the cognizance of the Home  
Government.

I shall be unable, therefore, to advise that the Act, No. 10, should be confirmed by  
the Queen in its present shape. If native lands were excepted from its operation it  
would be unobjectionable.

I have, &amp;c.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

(Signed)

EDWARD CARDWELL.

No. 7.

No. 7.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to  
Governor Sir GEORGE GREY, K.C.B.

(No. 64.)

SIR,

Downing Street, May 26, 1864.

May 21, 1864.

I TRANSMIT to you, for your information, copy of a paper which has been drawn  
up by Mr. J. E. Gorst, entitled "Observations on the native inhabitants of Rangiaowhia  
" and Kihikihī."



I have already expressed my hope that the present war would not be made the occasion of throwing back into savage life any portions of tribes which appeared likely to emerge from it, and to attain that material prosperity which is the best guarantee against turbulent innovation; and I forward to you this representation of Mr. Gorst, in the fullest confidence that, sharing in this view, you will give to any case which comes before you, a just and dispassionate consideration, and decide it upon grounds of equity and sound policy.

I have, &c.

Governor Sir George Grey, K.C.B.  
&c.                      &c.                      &c.

(Signed) EDWARD CARDWELL.

Enclosure in No. 7.

Encl. in No. 7.

OBSERVATIONS on the NATIVE INHABITANTS of RANGIAOWHIA and KIHIKIHI.

The land around Rangiaowhia and Te Awamutu, extending to and including part of Kihikihi, belongs to natives of the great Waikato tribe. The territory of Ngatimaniapoto begins at Kihikihi and extends thence to the south-west.

This country is not a barren waste. Besides the great villages of Rangiaowhia, Kihikihi, and Ruakotari, numerous little hamlets are dotted about the country, consisting of three or four native houses surrounded by their patches of cultivated land. Even those parts of the country which appear to be only a barren waste of heavy fern land would be found, on inquiry, to have been once under cultivation, and to be now used as a pasturage for horses, cattle, or pigs; in a few years these parts would be again brought under cultivation in their turn, according to the sort of nomadic agriculture practised by the Maories. The whole district is occupied and used; it bears marks of having been enriched and improved by the labour of the inhabitants. Good fences have been erected; Rangiaowhia, for instance, is surrounded by a fence many miles in circuit; roads are made in various directions; bridges have been thrown over impassable swamps; and a good many mill-dams have been constructed. A considerable part of the land was covered, a generation ago, with ancient forest, which the industry of the Waikatos has cleared.

The inhabitants of this district have been since 1857 adherents of the Maori King. In opposition to their wishes I was in December 1861 stationed in the midst of them as magistrate. An attempt was promptly made by their neighbours the Maniapotos to expel me by violence. It was entirely due to the opposition of the Waikatos, backed by Wi Tamihana, that the attempt was abandoned, and that I was enabled to remain peaceably in the district until March 1863.

During this period I was frequently indebted to the friendship and support of the Waikatos for protection against the hostility of Rewi and Maniapoto. I believe the leading chiefs of Rangiaowhia would have joined Sir George Grey's plans had they thought it safe to do so, but they dared not risk a quarrel with Maniapoto, against whose hostility the English Government could have afforded them no protection. Short of actually joining the Government, they did many acts in its support: they furnished timber in spite of Rewi for the government buildings at Te Awamutu, and they supported Tamihana in his various efforts to get the Waitara affair settled, and in writing to recommend the quiet surrender of Tataraimaka.

On the occasion of Rewi's attack upon Te Awamutu in March 1863, the Waikatos openly arrayed themselves against him and threatened to resist force with force. It was through the interference of these men and the firmness they displayed that the Europeans employed at Te Awamutu owed their preservation from violence. The Waikatos afterwards in conjunction with Tamihana, compelled Rewi to restore the government property which he had seized, and from April 1863 to February 1864 they protected the government buildings at Te Awamutu from destruction.

The message sent down to Taranaki to instigate an attack on the troops, which occasioned the massacre of Lieut. Tragett and his men, was the act of Rewi alone. The Waikatos had no share in it. When war broke out at Taranaki, they united with Tamihana and Ngatihana in preventing Rewi from carrying out his design of attacking Te Ia and Auckland. There is no evidence of their having joined in any hostile schemes, until the dread of an invasion drove Waikato and Ngatihana once more into an alliance with Maniapoto. I believe that in resisting the progress of General Cameron the two former tribes imagined themselves to be carrying on a defensive war.

A considerable portion of the inhabitants of the Rangiaowhia district were industrious inoffensive men, whose desires were directed more to the acquisition of wealth by agriculture and commerce, than to the pleasures of political excitement. The tribe generally was less wild than Maniapoto, and less patriotic than Ngatihana, and would not, but for the mischievous nature of the former and the national aspirations of the latter, have given much trouble to the English Government. While the character of these people is in itself much less admirable than that of the Ngatihana, it must be confessed that they are likely to make better and quieter subjects of a foreign power. I believe that most of them would be only too glad to submit to any government that would treat them justly and protect them against molestation from others in the enjoyment of their property. It is only their position and circumstances that has made them rebels and warriors, and I believe nothing but the desperation which the entire confiscation of their territory would produce, can keep them permanently in arms against the British troops.

J. E. GORST.

May 21, 1864,  
84, Eaton Place, London.

NEW  
ZEALAND.  
No. 8.

No. 8.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to  
Governor Sir GEORGE GREY, K.C.B.

(No. 67.)

SIR, Downing Street, June 12, 1864.

Vide Papers  
resented by  
Command,  
June 1864,  
page 35.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 36,\* of the 29th February, forwarding, with an explanatory memorandum on the subject, a Return showing the number and composition of the Colonial Forces on the 31st of December 1863.

I notice with much pleasure the efforts which have been made by your Government in the northern islands to provide for the security of the inhabitants of the Colony and to aid in the active operations which are now being carried on against the rebel natives.

I have, &c.

Governor Sir George Grey, K.C.B. (Signed) EDWARD CARDWELL.  
&c. &c. &c.

No. 9.

No. 9.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to  
Governor Sir GEORGE GREY, K.C.B.

(No. 68.)

SIR, Downing Street, June 18, 1864.

\* Page 1.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 43,\* of the 14th of March, transmitting reports from Mr. Barstow and Mr. E. M. Williams, Resident Magistrates in the northern district of the North Island of New Zealand, respecting the improved state of feeling on the part of the native population in their hundreds.

I have, &c.

(Signed) EDWARD CARDWELL.

Governor Sir George Grey, K.C.B.  
&c. &c. &c.

No. 10.

No. 10.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to  
Governor Sir GEORGE GREY, K.C.B.

(No. 75.)

SIR, Downing Street, June 25, 1864.

\* Page 7.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 50,\* of the 5th of April.

I am glad to learn from your Despatch, what indeed is also to be collected from the recent history of the war, that the practice of carrying on hostilities by the murder of unarmed persons is not to be viewed as generally adopted by the natives.

I have, &c.

(Signed) EDWARD CARDWELL.

Governor Sir George Grey, K.C.B.  
&c. &c. &c.

No. 11.

No. 11.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to  
Governor Sir GEORGE GREY, K.C.B.

(No. 76.)

SIR, Downing Street, June 27, 1864.

\* Page 10.

FROM your Despatch, No. 53,\* of the 6th of April last, I collect that some difference has arisen between yourself and your Ministers respecting the proper mode of dealing with the 183 Maori prisoners taken at Rangiriri, and the tone of your Despatch leads me to conjecture that if your Advisers had concurred with you in adopting a definite and generous course of action with regard to these persons the resistance to Sir Duncan Cameron by the natives at Orakau might, in your opinion, have been less desperate, some loss of life avoided, and the completeness of the success enhanced.



On this I think it necessary to observe, that while I fully recognize the general right and duty of the Colonial Government to deal with matters of Native Policy properly so called, I consider that while active operations are being carried on under the conduct of Her Majesty's officers, and in the main by Her Majesty's military and naval forces, it is for the Governor personally, as representative of the Imperial Government, to decide upon the fate of persons who are taken prisoners in the course of these military operations. And although, before adopting any such decision, I should wish you to obtain the advice, and, if possible, the concurrence of your Ministers, I do not consider that concurrence indispensable. But, subject always to the positive law of the Colony, I hold you entitled to determine, and I look to you for determining, whether such prisoners or any of them shall be released on parole or otherwise, or whether they shall be kept under such control as may legally be applied to them as prisoners of war, or whether they shall be handed over to the civil authorities to be dealt with as criminals.

I shall therefore be fully prepared to support you in case you should have thought it necessary, with or without the consent of your Ministers, so to deal with these prisoners as in your opinion the public interest may have required.

As I understand that your opinion has an especial reference to the good effect which measures of generosity would have upon the military operations of Sir Duncan Cameron, I make no doubt that in forming that opinion you have been fully acquainted with the views of Sir Duncan Cameron and of the grounds on which those views have been arrived at.

I have, &c.  
(Signed) EDWARD CARDWELL.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

No. 12.

No. 12.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to  
Governor Sir GEORGE GREY, K.C.B.

(No. 77.)

Downing Street, June 27, 1864.

\* Pages 3 and 8.

SIR, I HAVE the honour to acknowledge the receipt of your Despatches, Nos. 47 and 52,\* of the 5th and 6th of April, the former enclosing a letter from Sir Duncan Cameron containing a report of operations which had been successfully conducted by Colonel Warre at New Plymouth, resulting in the capture of the rebel position, and the latter enclosing copies of letters and communications which had reached you relating to an important engagement which had taken place with the rebel natives at Orakau on the Upper Waipa.

I have to express to you the satisfaction with which I have read these accounts, and I notice with great pleasure the high terms in which Sir D. Cameron speaks of the gallant conduct of the officers and men under his command, and your own expectation that this engagement may aid materially in bringing this lamentable war to a conclusion.

I take this opportunity of observing that the inconveniences to which the Australian Colonies are exposed from the continued absence of the small detachments of troops allotted to them have been strongly urged upon my attention. And I must express my earnest hope that, in case your anticipations should be realized, you will not fail to take the earliest possible opportunity of restoring to New South Wales, Victoria, South Australia, and Tasmania the troops who have been withdrawn from those Colonies.

I have, &c.  
(Signed) EDWARD CARDWELL.

Governor Sir George Grey, K.C.B.,  
&c. &c. &c.

No. 13.

No. 13.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to  
Governor Sir GEORGE GREY, K.C.B.

(No. 78.)

Downing Street, June 27, 1864.

SIR, I ENCLOSE the copy of a letter which I have received from the War Department. I do not at all doubt the wisdom of the measures which have been adopted on the

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recommendation of the Deputy Commissary General. But I regret to infer from it that some months may elapse before General Cameron is able to withdraw his troops from the advanced position which they now occupy.

I take this opportunity of repeating the earnest hope, which I have elsewhere expressed, that the recent successes of Her Majesty's troops may lead to an early termination of this unhappy conflict.

I have, &amp;c.

(Signed) EDWARD CARDWELL.

Governor Sir George Grey, K.C.B.

&amp;c. &amp;c. &amp;c.

Encl. in No. 13.

Enclosure in No. 13.

SIR,

War Office, June 27, 1864.

I AM directed by the Secretary of State for War to transmit, for the information of the Secretary of State for the Colonies, a copy of a letter from the Controller of Army Expenditure in New Zealand, relative to arrangements to provide forage for the use of the forces engaged in active operations at so great a distance from the base of operations, that it is deemed advisable to cultivate land for future supply in the vicinity of the most advanced military posts.

Such an arrangement would appear to imply not only a continuance of hostilities for a considerable period, but also the prolonged occupation by the troops of the advanced posts, with all the attendant extraordinary expense for transport and supplies. This view of the case is the more important, since each monthly mail brings reports of progressive augmentation of the Commissariat Transport establishment, with a corresponding increase in its cost, amounting in February, the last month reported on, to 30,000*l*.

The cost of supplies for the troops are also continuously augmenting, owing to the distance at which the operations are being carried into a country which furnishes nothing whatever, except fuel, for the wants of the forces, and which involves not only heavy expense for transport by land and water, but also very great loss and waste of supplies from the want of ordinary facilities for communication, and from other local causes incidental to the climate and country.

Under these circumstances, Lord de Grey deems it expedient that Mr. Cardwell should be kept fully informed, not only of the progressively augmenting expense of the military operations, but also of any step which appears to indicate that in the opinion of the military authorities the war is likely to be prolonged under circumstances which involve a large and increasing Imperial expenditure.

I have, &amp;c.

The Under Secretary of State,  
Colonial Office.

(Signed) HARTINGTON.

SIR,

Commissariat, New Zealand, Auckland, April 1, 1864.

I HAVE the honour to acquaint you, for the information of the Secretary of State for War, that, on my recommendation, the Lieut.-General commanding in New Zealand has been pleased to approve of such land as may be found suitable for the purpose at those places where troops are stationed farthest from Auckland, being cultivated, in order that the transport animals may be supplied with green fodder in about five months' time, and thereby diminish the transport required for forage at a period of the year when, from bad roads, the greatest difficulty will be experienced in supplying the troops where land transport may be necessary.

For this service the Lieut.-General has approved of men of the Commissariat Transport corps being employed to prepare the land and sow the grain, and the additional expense, over and above the value of the labour, for seed and farming implements, will be about 100*l*.

I have, &amp;c.

The Under Secretary of State for War.  
&c. &c. &c.(Signed) H. STANLEY JONES.  
Deputy Commissary General.

LONDON :

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For Her Majesty's Stationery Office.



# FURTHER PAPERS

RELATING TO

## THE MILITARY OPERATIONS IN NEW ZEALAND.

*(In continuation of Papers presented 11th July 1864.)*

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Presented to both Houses of Parliament by Command of Her Majesty.  
15th July 1864.

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LONDON:

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FOR HER MAJESTY'S STATIONERY OFFICE.

1864.

# SCHEDULE.

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RELATIVE TO

## THE MILITARY OPERATIONS IN NEW ZEALAND.

### Despatches from the Governor.

NEW  
ZEALAND.

No. 1.

No. 1.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 54.)

Government House, Auckland, April 8, 1864.

MY LORD DUKE,

(Received July 14, 1864.)

I HAVE the honour to enclose for your Grace's information the copy of an address Encl. 1.  
I have received in relation to the war in New Zealand, and of the reply which I have Encl. 2.  
returned to that address, which I believe to be in conformity with your Grace's  
instructions.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Enclosure 1 in No. 1.

Encl. 1 in No.

To his Excellency Sir George Grey, K.C.B., Governor of New Zealand.

SIR,

THE unhappy war which is now raging in New Zealand between the Maoris and their English rulers has excited the most deep and painful interest in this country. It was generally hoped that the contest which recently took place in the province of Taranaki would have been the last of those painful collisions which have proved as inimical to the best interests of the colony as they have been disastrous to the Native race. This hope was confirmed by the spirit with which your Excellency entered upon the duties of your high office, and especially by the persevering efforts you made to establish a system of self-government in the native districts. We cannot express to you with what profound regret we have witnessed the failure of those wise and beneficent measures, and how deeply we sympathise with you in the peculiarly trying position in which you are now placed.

The justice which has ever been the great characteristic of your Excellency's administration of Native affairs is a pledge to the world that the war which is now being waged will be limited to the one object of restoring British supremacy in the disturbed districts, and of achieving an honourable and, if possible, a lasting peace. Occupying as you do a position at once so difficult and so responsible, we would not venture to offer any suggestions of our own, did we not feel that Englishmen, even at so great a distance, ought not to regard the momentous events now transpiring in New Zealand with indifference or even with silence.

We would therefore express our earnest hope that your Excellency will avail yourself of the first favourable opportunity which may present itself of endeavouring to terminate the war by negotiation, and especially that you will listen to any overtures of peace which any of the Natives who have taken up arms may make. This course will, we are sure, so commend itself to your sense of humanity and Christian feeling that we should scarcely presume to urge it upon your consideration, did we not feel that your hands might be strengthened by this expression of our opinion—an opinion which we believe to be shared by the great body of the British people.

We have, however, been alarmed by the pertinacity with which in some quarters it has been proposed to confiscate the lands of all contumacious and rebellious Natives. As has been truly observed, such a policy as this would shut the door to any possible settlement of the difficulty except by the sword; in other words, it would lead to the extermination of a people who value their property in the soil even more than their existence, and who, despite their faults, are worthy of a better fate. We can conceive of no surer means of adding fuel to the flame of war—of extending the area of disaffection—and of making the Natives fight with the madness of despair, than a policy of confiscation. It could not fail

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to produce in New Zealand the same bitter fruits of which it has yielded so plentiful a harvest in other countries where the strife of races has been perpetuated through successive generations, and that, too, with a relentlessness and a cruelty which have made mankind blush for the species.

We, therefore, pray that in the hour of victory your Excellency will temper justice with mercy, and give to the world another bright example of forbearance and magnanimity. By such means, and such means only, may we hope to see the Maori race saved from extinction, and the dominion of our beloved Queen firmly established over every portion of the islands of New Zealand.

With great respect, we have the honour to be, Sir,

Your Excellency's faithful servants,

(Signed) Chichester; Ebury, P.C., Moor Park, Rickmansworth; Walter C. Trevelyan, Bart.; John Hesketh Lethbridge, Bart.; Wilfrid Lawson, Bart.; S. Gurney, M.P.; W. E. Forster, M.P.; Thomas Barnes, M.P.; Henry Pease, M.P.; Thomas Bazley, M.P.; William Williams, M.P.; P. A. Taylor, M.P.; Edward Baines, M.P.; E. A. Leatham, M.P.; John Brady, M.P.; Samuel Morley; Thomas Enwell Buxton; T. Perronet Thompson, Lieutenant-General; Edward Miall; R. N. Fowler, Treasurer of the Aborigines' Protection Society; Samuel Lucas; Thomas Guthrie, D.D., Edinburgh; Thomas Binney; Charles J. Hadfield, Colonel; William Howitt; Henry Sawley, Colonel; J. E. Cairnes, Professor of Jurisprudence, &c., Queen's University, Ireland; F. W. Newman, late Professor at University College, London; N. Hall, L.L.B.; J. Humfreys Parry, Serjeant-at-Law; Samuel Stott, Mayor of Rochdale; Leone Levi, Professor of Commerce and Commercial Law, King's College, London; Charles Sturge; Henry Christy; Joseph Pease, Darlington; George Thompson; David Thomas, D.D.; Henry Richard; John Nichol, B.A., Oxon; Duncan McLaren, Newington House, Edinburgh; Edward Smith, Sheffield; Frederick Baines, Leeds; Benjamin Scott, F.R.A.S.; Edmund Beales, M.A., Lincoln's Inn; Edmund Sturge, Birmingham; John Lee, L.L.D., Hartwell; Jabez Burns, D.D., Joseph Cooper, Lloyd's; John Cropper, Liverpool; John Hodgkin, Lewes; Henry Vincent; Washington Wilks; L. A. Chamerovzow; George Gilfillan, Dundee; John Cassell; Arthur Trevelyan, J.P.; Teinholm Tranent, N.B.; J. J. Colman, Norwich; Richard Smith, 7, Highbury Crescent; F. W. Chesson; A. K. Isbister, M.A.; John Epps, M.D.; Joseph Cown, jun., Newcastle-on-Tyne; John Mayfield, 300, Holborn; Francis E. Fox, Tottenham; Justin McCarthy; John Cropper, Kendall; James Taylor, jun., Birmingham; Wilson Armistead, Leeds; William Anderson, L.L.D., Glasgow; Frederick Wheeler, Rochester; Hy. Richardson, Newcastle-on-Tyne; Joseph Lupton, Leeds; Caleb Fletcher, M.D., York.

cl. 2 in No. 1.

Enclosure 2 in No. 1.

SIR,

Government House, Auckland, April 7, 1864.

I HAVE the honour to acknowledge the receipt of your letter of the 26th of January, transmitting me an address which had been very numerous and influentially signed, in which a hope was expressed that I would avail myself of the first favourable opportunity which presented itself of endeavouring to terminate by negotiation the war unhappily existing in New Zealand, and especially that I would listen to any overtures of peace which any of the natives who have taken up arms may make.

Your letter, and the address which it encloses, shall be forwarded to my Responsible Advisers for their consideration; but in the meantime I can have no hesitation in saying that the wishes and instructions of His Grace the Duke of Newcastle impose on me as a duty that which is entirely in consonance with my own feelings and with yours, viz., that I should instantly listen to any reasonable overtures that the natives in arms may make, and that I should avail myself of any opportunity that offers of obtaining permanent peace for this colony. I am quite confident that general public opinion in this country will support me in taking this course, and would expect me to do so.

With regard to the confiscation of portions of the lands of the natives now in arms, this point has to be considered—that mercy requires that future contests between the two races should, in as far as practicable, be prevented, and that there are many tribes in New Zealand who have taken no part in the present lamentable conflicts, yet who might hereafter be led into similar acts; whilst nothing would more certainly lead to the extermination of the native race than a series of contests such as that which is now being carried on. The object of the Local Government, therefore, has been to secure to that numerous part of the native population who have taken no active share in the present war the whole of their landed possessions, and also by laws passed expressly for this object to give to the lands held by such natives a value greater than they have previously had for their owners, by in all respects giving them equal rights in their landed possessions with those enjoyed by their European fellow subjects, the intention in this respect being to show that the rights of peaceable citizens of whatever race are carefully respected, and to give the natives so valuable a stake in the country that they are not likely hereafter to hazard it lightly.

On the other hand, it was thought necessary by an example to show that those who rose in arms against their fellow subjects of another race suffered such a punishment for doing so as might deter others from embarking in a similar career. It is therefore proposed to deprive such persons of a considerable portion of their landed properties, and to provide for the future safety of the colony by occupying such lands with an European population.

But even in the case of these persons it is intended that sufficient lands shall be reserved for themselves and their descendants, to be held on the same tenure as lands are henceforth to be secured to the rest of the native population.

That these measures will be carried out in a spirit of liberal generosity and of mercy I earnestly hope, and will do my best to ensure; and in my efforts for this end I believe that I shall be supported by a large majority in this colony.



You will most oblige me by returning this answer to those noblemen and gentlemen who signed the address which you forwarded to me.

F. W. Chesson, Esq.  
4, Newington Crescent, S., London.

I have, &c.,  
(Signed) G. GREY.

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No. 2.

No. 2.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 55.)

Government House, Auckland, April 21st 1864.

(Received July 14th 1864.)

MY LORD DUKE,

(Answered, No. 80, 26 July 1864, page 65.)

IN my Despatch, No. 52,† of the 6th instant, I transmitted to your Grace such information as had then reached me of an attack which had been made by Her Majesty's forces under the command of Brigadier-General Carey on an entrenched position of the hostile natives. I have now the honor to enclose a copy of a Despatch from Lieutenant-General Cameron, containing the official account of this affair. As the Lieutenant-General has already reported fully on the subject to the Secretary of State for War, and as his Despatch and its enclosures give a full account of the details of the action, it appears unnecessary for me to trouble Your Grace with any remarks upon the subject.

† Vide Papers presented July 1864, page 8.

Gen. Cameron to Sir G. Grey, Pukerimu, 7 April 1864.

I have, &c.  
(Signed) G. GREY.

His Grace the Duke of Newcastle, K.G.  
&c. &c. &c.

Enclosure in No. 2.

Encl. in No. 2.

LIEUT.-GENERAL to the GOVERNOR.

SIR,

Head Quarters, Pukerimu, April 7th, 1864.

I HAVE the honour to forward to your Excellency a report from Brigadier-General Carey, commanding at Te Awamutu, of an attack made by the troops under his command on the entrenched position of the rebels at the village of Orakau, which he took after a siege of two days, inflicting a very heavy loss upon them in their retreat. They had probably not less than 150 men killed, out of a garrison not exceeding 300.

This success is to be attributed to the skilful movements by which General Carey suddenly surrounded the position, and to the able manner in which he conducted all the operations.

Our loss has been severe; and it is with the deepest regret that I announce the death of that brave officer, Captain Ring, 2nd battalion, 18th regiment, who was mortally wounded whilst gallantly leading his men to the assault. Captain Ring had already distinguished himself by his gallant conduct on two former occasions, and his early death has deprived his regiment and the service of a most promising officer.

Brigadier-General Carey speaks highly of the conduct and gallantry of all the officers and men engaged, both of the regular and colonial forces, who appear to have vied with each other in the zealous discharge of their duty.

I beg to invite your Excellency's attention to the gallantry displayed by Captain Herford and Lieutenant Harrison, of the Waikato Militia; and I recommend them and the other officers specially mentioned by General Carey to your Excellency's favourable consideration.

I have already had the pleasure of bringing to the favourable notice of the Secretary of State for War the conduct of all the officers and men of Her Majesty's troops engaged on this occasion, particularly of those who are reported to have distinguished themselves.

It is impossible not to admire the heroic courage and devotion of the natives in defending themselves so long against overwhelming numbers. Surrounded closely on all sides, cut off from their supply of water, and deprived of all hope of succour, they resolutely held their ground for more than two days, and did not abandon their position until the sap had reached the ditch of their last entrenchment.

I have, &c.

His Excellency Sir George Grey, K.C.B.  
&c. &c. &c.

D. A. CAMERON,  
Lieutenant-General.

SIR,

Camp Te Awamutu, 3d April, 1864.

I HAVE the honour to state, for the information of the Lieutenant-General Commanding the Forces, that about mid-day on the 30th ultimo it was reported to me by Lieutenant-Colonel Haultain, commanding at Kihikihi Redoubt, that natives were seen in force at the village of Orakau, about 2½ to 3 miles distant from his post.

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I immediately rode over and made a reconnaissance; found that the natives were engaged building pa, and as it was then too late in the day to attack at once, I returned to this camp and made arrangements to march on the enemy's position during the night.

Captain Baker, 18th Royal Irish, Deputy Assistant Adjutant-General, fortunately found two men in the camp (Messrs. Gage and W. Astle), whom, from their local knowledge, I at once engaged as guides, which circumstance enabled me to determine on a combined movement.

My plan of attack was to advance with the main body along the dray road to Orakau; to detach a force of 250 men under Major Blyth, 40th regiment, who would take a circuitous route through somewhat difficult country, crossing and recrossing the Punia River, and marching on my right flank to take the enemy's position in reverse; and, thirdly, to draw a force of 100 men from Rangiahia and Haeirini, under Captain Blewitt, 65th regiment, who would march across to the enemy's position on my left, the three bodies of troops arriving, if possible, simultaneously before the enemy's stronghold shortly before daylight.

At midnight, Major Blyth, 40th regiment, marched with 250 men, as enumerated in the margin, with directions to take the road to the right, to cross and recross the Punia River, and to gain the rear of the enemy's position before daylight, halting there until he should hear my attack, and then to dispose of his force so as to cut off the retreat of the enemy.

The road from Rangiahia to Orakau I found on inquiry to be very difficult, being intercepted by deep swamp and thick bush. However, having every confidence in Captain Blewitt's energy, I directed that officer—who commands at Rangiahia—to march during the night and endeavour to form a junction with me before daylight on the proper right of the enemy's position, bringing with him one hundred men.†

At 3 o'clock on Thursday morning, the 31st ultimo, I marched with the main body as directed in the margin,‡ along the dray road to Kihikihi, taking on Lieutenant-Colonel Haultain and 150 men from that post, and then proceeded by the same road to the village of Orakau, which I reached without opposition as the day dawned.

The enemy, evidently taken by surprise, opened fire on the advanced guard, composed of 120 of the 18th Royal Irish and 20 of the Forest Rangers, gallantly led by Captain Ring, 18th Royal Irish, (and supported by 100 of the 40th Regiment,) who immediately rushed forward to the attack in skirmishing order.

The position being found very strong—an earthwork with strong flank defences, deep ditches, with posts and rails outside, and nearly covered from view with flax bushes, peach trees, and high fern—this party was forced to retire; but it at once re-formed, and being reinforced by another company of the 40th regiment, again tried to take the place by assault, but with no better success. Here Captain Ring, 18th Royal Irish, fell mortally wounded, and Captain Fisher, 40th regiment, severely so, besides four men killed, and several wounded.

On Captain Ring's falling, Captain Baker, 18th Royal Irish, D.A.A. General, most gallantly galloped up, dismounted, and calling for volunteers, again endeavoured to carry the place by assault. This also failed.

Finding that there was no chance of taking the pa in this manner from the immense strength, and other men having fallen, I determined to desist from this mode of attack, and having heard that both Major Blyth, 40th regiment and Captain Blewitt, 65th regiment, were at their appointed posts, decided on surrounding the place, and adopting the more slow but sure mode of approaching the position by sap, which was shortly after commenced under the very able directions of Lieutenant Hurst, 12th regiment, attached to the Royal Engineers Department.

At this time Lieut. Carre, Royal Artillery, endeavoured to effect a breach in the enemy's works, but could make no impression upon it.

A further supply of entrenching tools and gabions (which latter had most fortunately been prepared at the neighbouring posts for service of head-quarters on the Horatui), were immediately ordered up with the men's blankets, food, &c., and every possible precaution taken, by the proper disposition of the force, to prevent the escape of the enemy.

During the afternoon, a reinforcement of some 150 or 200 of the enemy from the direction of Mangatuari appeared in sight, evidently determined on relieving the place. They advanced to a bush situated about 900 yards in rear of our outposts, but, seeing that it was scarcely possible to break through the line formed by our troops, they halted and commenced firing volleys, at the same time exciting the men in the pa to increased energy, by dancing the war dance, shouting, &c.

The wounded were sent on to Te Awamutu and Kihikihi. The sap was pushed forward vigorously, and the troops so posted as to prevent any possibility of escape by the natives during the night.

Heavy firing was kept up by the enemy on the troops, both on the sap and around the place during the day and night, causing but few casualties, the men contriving to cover themselves in temporary rifle pits, dug out with their bayonets and hands.

\* 40th regiment—1 field officer, 1 captain, 1 subal., 1 staff, 3 sergeants, 2 drummers, 100 rank and file. 65th regiment—1 captain, 3 subalterns, 6 sergeants, 3 drummers, 125 rank and file. Forest Rangers—1 captain, 2 sergeants, 25 rank and file. Total—1 field officer, 3 captains, 4 subalterns, 1 staff, 11 sergeants, 5 drummers, 250 rank and file.

† 65th regiment—2 captains, 1 lieutenant, 1 sergeant, 1 drummer, 53 rank and file. 3rd Waikato Militia—1 lieutenant, 1 sergeant, 1 drummer, 52 rank and file. Total—2 captains, 2 lieutenants, 2 sergeants, 2 drummers, 106 rank and file.

‡ Royal Artillery—1 lieutenant, 2 sergeants, 1 drummer, 31 rank and file. 3 guns, Mounted Royal Artillery—1 lieutenant, 1 staff, 1 sergeant, 1 drummer, 28 rank and file. Royal Engineers—6 rank and file. 12th regiment—1 lieutenant. 18th regiment—1 captain, 3 lieutenants, 1 staff, 5 sergeants, 3 drummers, 1 rank and file. 40th regiment—1 field officer, 4 captains, 2 lieutenants, 1 staff, 14 sergeants, 5 drummers, 2 rank and file. 65th regiment—1 lieutenant, 2 sergeants, 1 drummer, 38 rank and file. Militia—1 field officer, 3 lieutenants, 8 sergeants, 3 drummers, 137 rank and file. Forest Rangers—1 lieutenant, 2 sergeants, 1 drummer, 22 rank and file. Total—2 field officers, 5 captains, 13 lieutenants, 3 staff, 34 sergeants, 5 drummers, 660 rank and file.



A reinforcement of 200 men, as detailed in the margin,\* under the command of Captain Inman, 18th Royal Irish, reached me from head quarters during the afternoon.

Having reported my proceedings to the Commander of the Forces in the morning, I was glad to receive a reinforcement, as detailed in the margin,† sent by him, and guided by Captain Greaves, Deputy Assistant Quartermaster-General, which arrived about daylight on the morning of April 1, and which enabled me to relieve the men in the sap more constantly, and therefore to carry on the work more quickly. Captain Greaves also afforded me material assistance in the duties of his department. This day was spent in working at the sap, and making rifle pits around the pa, few casualties occurring.

Captain Betty, Royal Artillery, arrived during the day, and assumed command of the Royal Artillery, which enabled Lieut. Carre to render some assistance to Lieut. Hurst in constructing the sap, he having been at it without intermission.

During the night a few of the enemy were perceived trying to effect an escape from the pa, but being immediately fired upon, returned to their earthwork.

I omitted to mention that Captain Betty, Royal Artillery, threw some well-directed shells at the Maori reinforcement in the bush and on the hills, which evidently disconcerted them considerably.

At an early hour on the morning of the 2d April, Lieut.-Colonel Sir Henry Havelock, Bart., Deputy Assistant Quartermaster-General, arrived with the hand grenades, which were at once thrown into the enemy's position with great effect by Sergeant McKay, Royal Artillery, who thus rendered good and gallant service at great personal risk under a galling fire.

About noon I ordered Captain Betty, Royal Artillery, to have a six-pounder Armstrong gun carried into the sap. An entrance having been made, it opened fire on the enemy's work, destroying the palisading, making a considerable breach, and silencing in a great measure the fire of the enemy on the men engaged at the head of the sap.

The Commander of the Forces with his staff, &c., arrived on the ground at this time, and witnessed the remainder of the operations.

Colonel Mould, C.B., Royal Engineers, coming up with General Cameron, gave his able assistance towards the completion of the sap into the enemy's work.

As it was known that women and children were in the pa, the enemy was called upon to surrender, previous to the concentrated fire of the Armstrong gun and hand grenades on their work; they were told that their lives would be spared, and if they declined they were requested at least to have compassion on their women and children, and send them out. They replied that they would not do so, but would fight to the last. The pa was then carried. The enemy effecting his escape from the opposite side of the work, dashed through a space from which the troops had been thrown back under cover, to enable the gun to open. They were, however, speedily followed up, and suffered a severe loss during a pursuit of nearly six miles. Lieutenant Rait, Royal Artillery, with his troopers, and Captain Pye, Colonial Defence Force, with a small detachment, having headed them, and kept them back until the infantry came up.

I regret to say that in the pa and in the pursuit some three or four women were killed unavoidably, probably owing to the similarity of dress of both men and women, and their hair being cut equally short, rendering it impossible to distinguish one from the other at any distance.

The troops were recalled about sundown, and bivouacked round the enemy's late position.

At an early hour this morning I caused diligent search to be made for the killed and wounded of the enemy. Their loss was considerable, amounting to 101 killed, besides 18 to 20 reported by native prisoners as buried in the pa, 26 wounded and taken prisoners, 7 taken prisoners.

In addition to this number, the natives were seen to be engaged carrying off dead and wounded early in the morning at the most distant point of pursuit, and fresh tracks showed that they had been similarly occupied during the night.

I beg to bring to the special notice of the Lieut.-General commanding the forces the gallant bearing of Captain Baker, 18th Royal Irish, Deputy Assistant Adjutant-General, during the whole of the operations, but more especially on the occasion, already mentioned, of the fall of that brave and lamented soldier Captain Ring.

Also the determined bravery of Captain Herford, Waikato Militia, who was very severely wounded (loss of eye), and the gallantry of Lieutenant Harrison, Waikato Militia, both of whom remained at the head of the sap nearly the whole time, keeping down the fire of the enemy by the well directed balls of their own rifles. Likewise of Sergeant McKay, Royal Artillery, who, as before mentioned, under a galling fire, threw, with the greatest precision and coolness, hand grenades from the sap and from the lodgment made in the outer work of the enemy into his stronghold.

The wounded received the greatest possible attention on the field from the senior medical officer, Dr. White, 65th regiment, ably seconded by Assistant-Surgeons Spencer, 18th Royal Irish, Stiles, 40th regiment, and Hilston, R.N., until the arrival of Dr. Mouat, C.B., N.C., the P.M.O., who left nothing undone in providing for their comfort, &c.

I trust the conduct of the officers and men under my command during this long operation of three days and three nights, without cover, and constantly under fire, may meet with the approval of the Commander of the forces.

The casualties on our side—16 killed and 52 wounded—of which I enclose a return, are, I regret to say, severe.

I beg to recommend to the favourable notice of the Lieutenant-General commanding the forces, the

\*12th Regiment—1 captain, 1 subaltern, 3 sergeants, 1 drummer, 92 rank and file. Forest Rangers—1 captain, 1 subaltern, 4 sergeants, 44 rank and file. Total—2 captains, 2 subalterns, 7 sergeants, 1 drummer, 136 rank and file.

†18th Royal Irish—1 captain, 2 subalterns, 8 sergeants, 2 drummers, 110 rank and file. 70th regiment—1 captain, 2 subalterns, 4 sergeants, 1 drummer, 89 rank and file. Total—2 captains, 4 subalterns, 12 sergeants, 3 drummers, 199 rank and file.

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able services rendered by the following officers, who so cordially assisted me in carrying out my operations; viz.,

Colonel Leslie, C.B., commanding 40th regiment.  
Major Blyth, 40th regiment, commanding detached force on right flank.  
Captain Blewitt, 65th regiment, commanding detached force on left flank.  
Captain Vereker, commanding detachment 12th regiment.  
Captain Inman, commanding detachment 18th Royal Irish.  
Captain Cay, commanding detachment 70th regiment.  
Captain Betty, R.A., commanding Royal Artillery.  
Lieutenant Rait, R.A., commanding mounted Royal Artillery troopers.  
Lieutenant Hurst, 12th regiment, acting as engineer.  
Lieutenant-Colonel Haultain, commanding Waikato Militia, and Captains Jackson and Von Temps-  
key of the Forest Rangers.

Dr. White, 65th regiment, senior medical officer in charge of Field Force.

I have further to claim the kind consideration of the Commander of the forces, for the officers of my staff; viz.,

Captain Baker, 18th Royal Irish, D.A.A.G., and Captain the Hon. F. le P. Trench, 40th Regiment, A.D.C., who afforded me the greatest help both day and night by their untiring zeal and energy in carrying out my orders.

I beg to enclose a sketch of the enemy's work, and our approaches to it, made by Lieutenant Hurst, 12th regiment, also a rough sketch of the country between this and the enemy's position, showing the combined movement of the force on the night of the 30th ultimo.

The Assistant Military Secretary,  
Head Quarters.

I have, &c.  
(Signed) GEORGE J. CAREY,  
Brigadier-General.

#### NOMINAL RETURN of KILLED and WOUNDED of the Troops at Orakau, from March 31st to April 2nd, 1864.

Driver William Buckingham, Royal Artillery, wound in the neck, slightly.  
Private Joseph Clarkson, 1st battalion 12th regiment, left elbow, severely.  
Private James Bevell, 1st battalion 12th regiment, right shoulder, slightly.  
Captain James T. Ring, 2nd battalion 18th regiment, penetrating gun-shot wound of abdomen mortally, since dead.  
Sergeant William Lawson, 2nd battalion 18th regiment, shot through the liver, dead.  
Private John Carroll, 2nd battalion 18th regiment, upper part of chest, dead.  
Private Michael Bellaine, 2nd battalion 18th regiment, shot through the head, dead.  
Private Thomas Traynor, 2nd battalion 18th regiment, shot through the back, dead.  
Private Hugh Cassidy, 2nd battalion 18th regiment, shot through the head, dead.  
Corporal Johnson, 2nd battalion 18th regiment, through the arm and chest, very severely.  
Drummer James Lyon, 2nd battalion 18th regiment, left side of chest, severely.  
Lance-Corporal George Carroll, 2nd battalion 18th regiment, right arm, severely.  
Private John Close, 2nd battalion 18th regiment, right arm, slightly.  
Private George Thomas, 2nd battalion 18th regiment, right thigh and face, severely.  
Private Patrick Fay, 2nd battalion 18th regiment, face (ball lodged), dangerously.  
Private John O'Donnell, 2nd battalion 18th regiment, in the neck, dangerously.  
Private John Carlyle, 2nd battalion 18th regiment, left side of chest, severely.  
Private James Stanton, 2nd battalion 18th regiment, in the back (ball lodged), dangerously.  
Private George Gallagher, 2nd battalion 18th regiment, right side of the back (ball lodged), dangerously.  
Private Thomas Hannon, 2nd battalion 18th regiment, in the chest, severely.  
Private Thomas Jenkins, 2nd battalion 18th regiment, through the mouth, very severely.  
Captain L. W. Fisher, 40th regiment, in the back, severely.  
Sergeant Hugh Duncan, 40th regiment, through the head, dead.  
Private William Love, 40th regiment, through the chest, dead.  
Sergeant William Gould, 40th regiment, right shoulder, slightly.  
Corporal William Wilson, 40th regiment, left thigh, severely.  
Private Charles Gibby, 40th regiment, through left fore-arm, severely.  
Private Alfred Whitty, 40th regiment, left arm, slightly.  
Private Thomas Brennan, 40th regiment, right thigh, severely.  
Private Samuel Johnson, 40th regiment, left thigh, ball lodged, severely.  
Private Martin O'Farrell, 40th regiment, right shoulder, severely.  
Private George Williams, 40th regiment, right shoulder, severely.  
Private George Palmer, 40th regiment, left arm fractured, severely.  
Private John Ollington, 40th regiment, right thigh, severely.  
Private George Hoare, 40th regiment, right shoulder, slightly.  
Private James Sturgeon, 40th regiment, through the parietes of chest and abdomen, severely.  
Private John Sidley, 40th regiment, head, slightly.  
Private James Shattock, 40th regiment, lung, severely.  
Private Richard Graham, 40th regiment, left thigh fractured, severely.  
Private James Cox, 40th regiment, left shoulder, severely.  
Private Herbert Blake, 40th regiment, right hand, severely.  
Private Patrick Connell, 40th regiment, right hand, severely.  
Ensign Alfred Chayter, 65th regiment, right side, severely.  
Lance Corporal John Barnett, 65th regiment, through the chest, dead.



Drummer Robert Gilligan, 65th regiment, through the chest, dead.  
 Private James Ford, 65th regiment, back (ball lodged) dangerously.  
 Private William Mehan, 65th regiment, back, severely.  
 Private George Whitfield, 65th regiment, back (two bullets), severely.  
 Private Edward Mally, 65th regiment, groin, slightly.  
 Private William Dwyer, 65th regiment, right arm, slightly.  
 Private Denis McGrath, 65th regiment, left shoulder, slightly.  
 Private Thomas Kennedy, 65th regiment, forehead, slightly.  
 Private Thomas Maskell, 70th regiment, left side of chest, dead.  
 Private George Courtney, 70th regiment, left shoulder, slightly.  
 Private Peter Pettit, 70th regiment, right leg, slightly.  
 Sergeant Richard Kendrick, Colonial Defence Corps, left knee, severely.  
 Private William Coady, Colonial Defence Corps, left temple, slightly.  
 Private James Tully, Colonial Defence Corps, right thigh, slightly.  
 Sergeant William Taylor, Forest Rangers, upper part of chest, dead.  
 Private Charles Coghlan, Forest Rangers, penetrating wound of abdomen, mortally, since dead.  
 Corporal Armstrong, Waikato Militia, chest, dead.  
 Private William Molloy, Waikato Militia, left side of neck, dangerously.  
 Private Joseph Worley, Waikato Militia, both thighs, severely.  
 Private John Lecky, Waikato Militia, head, dead.  
 Captain Herford, Militia, left side of forehead and through left eye, dangerously.  
 Private John Lovett, Colonial Transport Corps, through the head, severely.  
 Private Daniel Callaghan, Colonial Transport Corps, right arm, severely.  
 Private Preston, Colonial Transport Corps, right hand, slightly.

No. 3.

No. 3.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 56.)

Government House, Auckland,  
 April 21, 1864.

(Received July 14, 1864.)

(Answered, No. 80, July 26, 1864, page 65.)

† Page 5.

MY LORD DUKE,

ADVERTING to my Despatch, No. 55,† of this day's date, transmitting the official Despatches relating to an attack upon the entrenched position at Orakau, I have the honour to enclose a nominal return of the Native prisoners under treatment for wounds received in the action. Unfortunately it appears from this return that nearly one fourth of the number are females.

His Grace the Duke of Newcastle, K.G.

I have, &amp;c.

(Signed) G. GREY.

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 3.

Encl. in No. 3.

NOMINAL RETURN of MAORIS under treatment for Wounds received in Action at Orakau, 31st March to 2nd April 1864.

MEN.

1. Te Hape, gunshot, lung, died 4th April.
2. Epeha, bayonet, abdomen, died 4th April.
3. Ngegeti, gunshot, left knee, died 6th April.
4. Rawhiri, gunshot, leg.
5. Hahteah, gunshot, fracture right titia of fibula, dead.
6. Takapuna, gunshot, right elbow.
7. Hapemau, gunshot, left thigh.
8. Wiremu, gunshot, left leg (knee ?)
9. Te Haeana, gunshot, chest, ball extracted.
10. Tamati, gunshot, left knee, flesh wound.
11. Tanpa, bayonet, scalp.
12. Taeapa, gunshot, right thigh.
13. Noah, gunshot, left leg.
14. Rawiri, gunshot, chest and left shoulder.
15. Enoka, gunshot, right arm.
16. Tepene, gunshot, left arm.
17. Hohepa, gunshot, flesh wound, both thighs.
18. Rakae, gunshot, knee joint, left thigh, died 4th April.
19. Kaupa, gunshot, flesh, both thighs.

B

- NEW ZEALAND.
20. Wiremu Te Naoce, gunshot, left thigh.
  21. Te Peneha, gunshot, left groin.

## WOMEN.

1. Piririri, gunshot, both hips, died 4th April.
2. Maiata, gunshot, right foot.
3. Harriet, gunshot, left elbow.
4. Mali, gunshot, left arm, chest.
5. Hica, gunshot, chest.
6. Katai, gunshot, right thigh, fracture.

(Signed) Wm. J. SPENCER,  
Assistant Surgeon, 18th R. I.

No. 4.

No. 4.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

Government House, Auckland,  
April 25, 1864.

(No. 57.)

(Received July 14, 1864.)

MY LORD DUKE,

(Answered No. 80, 26 July, 1864, page 65.)

I HAVE the honour to transmit for your Grace's information a copy of a Despatch I have received from Lieut.-General Cameron, relative to a reconnaissance of the rebel position at Kaitake, made by Major Butler, commanding the 57th regiment.

2. The Lieut.-General calls attention to the judgment and ability with which Major Butler executed the difficult task assigned to him, as well as to the distinguished conduct of Lieutenant Larcom, of the Royal Artillery, upon the same occasion.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.

(Signed) G. GREY.

&amp;c. &amp;c. &amp;c.

cl. in No. 4.

Enclosure in No. 4.

SIR,

Head Quarters, Pukerimu, March 24, 1864.

I HAVE the honour to forward to your Excellency a copy of a letter from Colonel Warre, C.B., commanding the troops at New Plymouth, and its enclosures, relative to a reconnaissance made by Major Butler, commanding 57th Regt., of the rebel position at Kaitake.

Major Butler executed the difficult task assigned to him with judgment and ability, and the small force under his command behaved with great steadiness and gallantry under very trying circumstances.

Lieutenant Larcom, Royal Artillery, distinguished himself greatly by remaining with his gun after he had received a severe wound, and I shall have the pleasure of bringing the services of this officer, and of the other officers and men engaged on this occasion, to the favourable notice of the authorities.

I beg to draw your Excellency's attention to the very honourable mention made both by Colonel Warre and Major Butler of Captain Mace and the men of the Mounted Corps under his command.

I have, &amp;c.,

His Excellency Sir Geo. Grey, K.C.B.

(Signed) D. A. CAMERON,

&amp;c. &amp;c. &amp;c.

Lieutenant-General

SIR,

New Plymouth, New Zealand, March 12, 1864.

CAPTAIN Stapp, Adjutant Taranaki Militia, having reported to me at about 11 o'clock yesterday morning that rebel natives had been seen near the spot where Mr. Patterson was murdered on the 28th ult., I determined to carry out a plan I had formed, not only to cut off the retreat of the rebels, but to destroy their stronghold at Kaitake should I find it feebly defended.

Acting on the supposition that the rebels had sent out a marauding party from Kaitake of about the usual numbers (thirty or forty), I despatched the Rifle Volunteers under Captain Atkinson (T. R. V.) direct to where the Natives had been seen.

I signalled to Omata to direct Captain McKeller (T.M.) to take out thirty men and place them in ambuscade at Burton's Hill, and as I knew that Captain Carthew (T.M.) would be on the alert, having a wood party of thirty men at or near the Ford on Hurford's Road, I requested Major Butler, who I sent at once to Oakura, to tell Captain Corbett (T.M.), to take some of his men from Parheteri and intercept the rebels at the Upper Ford of the Oakura River, should they have succeeded in slipping by the other parties.

I instructed Major Butler, 57th Regt., to proceed as quickly as possible to Oakura, to take out the



24lb. howitzer with some rockets under Lieut. Larcom, R.A., and all the available men of the 57th Regt. under Captain Lloyd, 57th Regt., leaving the Redoubt in charge of Captain Page, of the Taranaki Militia (Melbourne Volunteers), until I could send from town one hundred rank and file of 57th and 70th, under Captains Schomberg (57th) and Wright (70th), to act as a reinforcement and support to any of the named parties, who, the Lieutenant-General will be good enough to understand, were all converging towards Kaitake, on which place Major Butler was to advance, to ascertain the number of rebel Maoris left to defend it, and to act as circumstances might warrant. As soon as the above arrangements were detailed, I left the town in charge of Major Baddeley, commanding Taranaki Militia, and rode to Poutoko, from whence, seeing Major Butler seriously engaged, I proceeded to Oakura, instructing Captains Schomberg and Wright to bring on their men as rapidly as possible.

I have the honour to enclose Major Butler's report of his proceedings, and can fully corroborate his statement regarding the conduct of the troops engaged, under circumstances of no ordinary danger or difficulty; and it is to the able manner in which Lieut. Larcom, R.A. (even after he was severely wounded), directed the fire of the howitzer—assisted by Lieut. Ferguson, R.E., as the gun was so short manned—and the very great steadiness and precision in firing of the small party of the 57th regiment, under Captain Lloyd, that so few casualties occurred. In the face of between two and three hundred Maories, concealed in rifle-pits, and behind an entrenched stockade, which, since our last visit, had been completed across the road from one side of the gorge to the other, the men retired in perfect order, bringing back the body of private Kennedy, 57th regiment, and the wounded men.

I took the liberty of complimenting both officers and men on their excellent conduct in a garrison order, which I do myself the honour to submit for the Lieut.-General's approval, trusting that he will be kind enough to give some special mark of his approbation to the individuals named; and especially to bring to the notice of the Governor the gallantry of Capt. Mace, T.M., and Antonio Rodrigues—who, on this as on a former occasion, so nobly assisted wounded men,—a return of whom, and of all casualties, I beg herewith to transmit.

The 100 rank and file under Captain Schomberg were not required; and no natives having been discovered by the detached parties of volunteers and militia, the whole of the troops returned the same evening to their quarters.

I have, &c.

(Signed) H. J. WARRE,

Colonel commanding Troops, Taranaki.

The Deputy Quartermaster General,

&c. &c. &c.

Head Quarters.

P.S.—As I fear I shall for some time be deprived of the services of Lieut. Larcom, R.A., whose wound is progressing favourably, the ball having been abstracted, I trust the Lieut.-General will be able to send me another artillery officer and a few more gunners, the 22 now here being mostly superannuated, and so detached at different outposts it is with difficulty I can man one gun.

H. J. W., Colonel.

SIR,

New Plymouth, New Zealand, 12th March 1864.

I HAVE the honour to report that in compliance with your instructions I proceeded to Oakura

\* Royal Artillery—Lieut. Larcom, 1 serjeant, and 5 rank and file.

57th Regiment—Capt. Lloyd, Lieut. Cox, Ensign Picot, 4 serjeants, 84 rank and file.

Mounted Corps—Capt. Mace, 5 rank and file.

previously left thirty men of the Melbourne Volunteers, under H. Jackson, with Ensign Duncan, 57th regiment, at the extremity of the road to guard the approach from the south.

I advanced to within about eight hundred yards of the upper palisading, upon which I opened fire from the 24lb. howitzer, extending Captain Lloyd's company of the 57th Regt. on both flanks, and in front of the gun, with instructions to keep down as much as possible the fire of the enemy, which was now considerable, both from the rifle-pits on the spur to my left front, and the gully connecting the pits with the lower palisading.

The fire from the former became so hot that I desired Lieut. Larcom, R. A., to throw a shell into them, which he did with great precision, and silenced the fire from this part for some time. As it appeared to me at this time that there were altogether not many rebels in the place I advanced the gun about one hundred and fifty yards, still keeping out skirmishers in front and on the flanks, where they did good service in keeping down the fire of the enemy.

I now had the gun between three hundred and four hundred yards from the lower palisading, but out of sight of it, a low ridge intervening, to the top of which I sent a party of skirmishers, whose fire from here, besides keeping down that of the enemy from the lower palisading, enfiladed the rifle-pits and gully on my left.

Shortly after I had placed my men in this position the Natives appeared to be in much greater force than I had anticipated, and opened a very heavy cross fire from three different directions.

I should think that at this time there could not have been less than two hundred Natives in the place.

Finding myself thus opposed to an enemy in a strongly entrenched position, with a force in number treble that of my own, I thought it prudent to retire.

It is impossible to estimate the loss on the enemy's side, as they remained the whole time under cover, but I feel confident that they must have suffered considerably.

I regret to state that I lost one man (57th Regt.) killed, and Lt. Larcom, R. A., and five men (57th) wounded.

I cannot conclude my report without bringing to your notice the extremely gallant and steady conduct of the whole of the small force under my command.

NEW  
ZEALAND.

I would more especially wish to mention Captain Lloyd and Lieutenant Cox, 57th Regt., and Lieut. Larcom, Royal Artillery. The latter officer, even after he was wounded, refused to be taken to the rear, but remained by his gun until the whole force retired.

Staff Assistant-Surgeon Jones was on the ground the whole time, and attended the wounded as they fell.

The Mounted Volunteers who accompanied me behaved throughout with their usual conspicuous courage and coolness. Of these I would beg to name Captain F. Mace (T.M.) and Antonio Rodriguez, the latter of whom again distinguished himself by conveying wounded men to the rear under a heavy fire.

Colonel H. Warre,  
Commanding Troops, Taranaki.

I have, &c.  
(Signed) H. BUTLER, Major,  
Commanding 57th Regt.

## GARRISON ORDERS.

New Plymouth, March 12, 1864.

\* Royal Artillery—1 subaltern, 1 sergeant, 5 rank and file.

Royal Engineers—1 subaltern.

57th regiment—1 captain, 2 subalterns, 4 sergeants, 88 rank and file.

Mounted Corps—1 Captain, 5 rank and file.

Militia, under Ensign Duncan.

57th Regiment, covering party on right flank.—1 subaltern, 1 sergeant, 30 rank and file.

Total—2 captains, 5 subalterns, 6 sergeants, 128 rank and file.

Colonel Warre desires to record his high appreciation of the gallant conduct of the whole of the small force shown in the margin,\* under the command of Major Butler, 57th Regiment, in reconnoitering the rebel position at Kaitake yesterday.

The object intended was fully accomplished; the strength of the rebel position, and the number occupying it ascertained; although, unhappily, with the loss of one brave man killed, and Lieut. Larcom, R.A. and five men 57th Regiment wounded.

To Major Butler,  
To Captain Lloyd and the officers of the 57th Regiment,  
To Lieut. Larcom, Royal Artillery,  
To Lieut. Ferguson, R.E., and  
To Captain Mace, Mounted Corps,

the Colonel's best thanks are due; as also to Staff Assistant-Surgeon Morgan Jones, for the gallant and able manner in which, on the field, he attended the wounded. But it is not only to the officers, it is to the non-commissioned officers and men of the Royal Artillery and 57th Regiment, who so fully deserve to have their gallant deeds recorded, and to the men of the Mounted Corps, and more especially to Antonio Rodrigues (who on this, as well as on the 2nd October last, bore off wounded men on his horse), that the Colonel would wish to convey his best and heartfelt thanks for their gallantry under as heavy a fire from 200 or 300 Maoris as is usually met with in this description of warfare.

The gallant conduct of the brothers, Privates Bartholomew and Martin, and Drummer Dudley Stagpole, 57th Regiment, all of whom have been wounded in this war, and Private Martin Stagpole, unfortunately severely on this occasion, also deserves special mention, as wherever danger is they are sure to be found.

Colonel Warre knows that he can depend upon the courage and devotion of all; but it is upon trying occasions like that he now records, with an almost invisible enemy, strongly entrenched behind an impassable stockade, that the high discipline of men he is so proud to command is more than usually conspicuous; and the Colonel will feel great satisfaction in bringing their gallant conduct to the notice of the Lieutenant-General Commanding.

(True extract.)

J. BRUTTON,  
Lieut. and Garrison Adjutant.

## NOMINAL RETURN of Killed and Wounded of the Troops at Kaitake on the 11th March 1864.

| Corps. | Regi-<br>mental<br>No. | Rank and Names.         | Years of |          | Date of Death. | Place of<br>Death. | Nature of Injury.                                     | Result. |
|--------|------------------------|-------------------------|----------|----------|----------------|--------------------|-------------------------------------------------------|---------|
|        |                        |                         | Age.     | Service. |                |                    |                                                       |         |
| R.A.   | —                      | Lieut. Charles Larcom - | 22       | 2        | - - -          | - -                | Gunshot wound of right shoulder.*                     | Severe. |
| 57th   | 424                    | Private Michael Kennedy | 27       | 7        | 11 March 1864  | Kaitake -          | Penetrating wound of chest.                           | Killed. |
| "      | 2,151                  | " James Adley -         | 36       | 16       | - - -          | - -                | Gunshot wound through left thigh.                     | Severe. |
| "      | 3,032                  | " John Chamberlain      | 27       | 9        | - - -          | - -                | Gunshot wound of left thigh.                          | Slight. |
| "      | 518                    | " William Henry -       | 23       | 4        | - - -          | - -                | Gunshot wound of eye-brow and forehead.               | Severe. |
| "      | 2,071                  | " Charles Keane -       | 37       | 17       | - - -          | - -                | Gunshot wound of right side of abdomen.               | Slight. |
| "      | 2,448                  | " Martin Stagpole -     | 29       | 11       | - - -          | - -                | Gunshot wound through left arm, close to elbow joint. | Severe. |

\* Ball extracted.

J. E. YOUNG, M.D.,  
Staff Surgeon in Medical Charge 57th Regiment.



No. 5.

NEW  
ZEALAND  
No. 5.

Copy of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 58.)

Government House, Auckland, April 25, 1864.

MY LORD DUKE,

(Received July 14, 1864.)

I HAVE the honour to transmit the enclosed papers relative to a claim for 108*l.* 1*s.* 1*d.* made by the Colonial Government of New Zealand against the Imperial Treasury, on account of sending Military prisoners to England, in pursuance of the provisions of the Mutiny Act.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

(Signed) G. GREY.

Enclosure in No. 5.

Encl. in No. 5.

Her Majesty's Imperial Government Dr.  
To the Colonial Government of New Zealand.

For sums paid for necessities supplied for use of Military prisoners en route to London.

1859. £ s. d.

Sept.—On account of five prisoners, per ship "Swordfish," as per  
vouchers - - - - - 28 17 1

1864.

April.—On account of twelve prisoners, per ship "Light Brigade," as  
per vouchers - - - - - 79 4 0

108 1 1

(Signed) R. F. PORTER,  
Assistant Treasurer.

Treasury, Auckland, New Zealand,  
20th April 1864.

No. 6.

No. 6.

Copy of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 59.)

Government House, Auckland, April 25, 1864.

(Received July 14, 1864.)

(Answered, No. 80, July 26, 1864 page 65.)

MY LORD DUKE,

It is with much regret I enclose for your information a copy of a report from Colonel Warre, C.B., stating that a reconnoitering party of the strength noted in the margin, under the command of Captain Lloyd, 57th Regiment, fell into a strong native ambuscade, about ten miles from New Plymouth, on the morning of the 6th instant, and being completely surprised were attacked at a great disadvantage. Captain Lloyd, and six of the 57th Regiment and Taranaki Militia (military settlers), were unfortunately killed, and twelve of the same corps were wounded.

Col. Warre, C.B.  
to the D. Q. M.  
General, New  
Plymouth,  
April 8, 1864.

| 57th REGIMENT. |      |        |    |        |
|----------------|------|--------|----|--------|
| Capt.          | Sub. | Sergt. | D. | Privs. |
| 1              | 1    | 1      | 1  | 53     |
| MILITIA.       |      |        |    |        |
| 1              | 1    | 2      | 0  | 41     |
| 2              | 2    | 3      | 1  | 93     |

[Assistant Surgeon Jones.  
Native Guide Hemi.

I regret to add that the Natives cut off the heads of Captain Lloyd and five of the slain, carrying them off with them. A

statement having been published that this mutilation of the dead was an act of revenge upon account of a medical man having, for the purposes of science, cut off and taken away the head of a Native who had been killed in a previous action at Taranaki, I thought it my duty to institute an enquiry into the subject. Your Grace will find from the enclosed correspondence, that the matter had already engaged the attention of my Responsible Advisers, and that it was ascertained upon enquiry that the report was not true.

Memo. by Sir  
G. Grey,  
April 19, 1864.  
Memo. by  
Mr. Fox,  
April 19, 1864.  
Memo. by  
Mr. Gillies,  
April 20, 1864.

I have, &amp;c.

(Signed) G. GREY.

His Grace the Duke of Newcastle, K.G.  
&c. &c. &c.

NEW  
ZEALAND.  
Encl. 1 in No. 6.

(No. 170.)

Enclosure 1 in No. 6.

SIR,

New Plymouth, New Zealand, April 8, 1864.

It is with the deepest regret I have the honour to report, for the information of the Lieutenant-General commanding, that a reconnoitering party, strength as per margin, under the command of Captain Lloyd, 57th Regiment, fell into a strong native ambuscade on the morning of the 6th instant, and being completely surprised were attacked at great disadvantage by the rebels. Captain Lloyd, and six of the 65th Regiment and Taranaki Militia (military settlers), were killed, and twelve of the same corps were wounded.

| 57th. REGIMENT. |      |        |    |        |
|-----------------|------|--------|----|--------|
| Capt.           | Sub. | Sergt. | D. | Privs. |
| 1               | 1    | 1      | 1  | 53     |
| MILITIA.        |      |        |    |        |
|                 |      |        |    |        |
| 1               | 1    | 2      | 0  | 41     |
| 2               | 2    | 3      | 1  | 94     |

Staff Assistant Surgeon Jones.  
Native Guide Hemi.

| 57th REGIMENT.    |       |         |        |       |
|-------------------|-------|---------|--------|-------|
| F.O.              | Capt. | Subs.   | Sergt. | R.&F. |
| 1                 | 2     | 2       | 2      | 80    |
| T. R. VOLUNTEERS. |       |         |        |       |
| Capt.             | Subs. | Sergts. | R.&F.  |       |
| 2                 | 2     | 8       |        | 100   |

| Capt. | Sub. | Serg. | Privs. |
|-------|------|-------|--------|
| 1     | 1    | 1     | 35     |

| TARANAKI MILITIA. |      |        |       |
|-------------------|------|--------|-------|
| Capt.             | Sub. | Sergt. | R.&F. |
| 1                 | 1    | 6      | 80    |

any Natives were in ambuscade; and Captain Mace, Taranaki Militia, and his mounted men, volunteered to ride forward, scattering through the fern, to ascertain whether any Maories were in possession of the rifle pits by which the spur of the hill is surrounded. We then pushed forward, and being shortly joined by Captain Atkinsons Volunteers, and the party of the 57th Regiment under Major Butler, we recovered the mutilated remains of Captain Lloyd, and five other men, whose heads had been cut off by the infuriated Maoris.

Several men of the militia who had concealed themselves in the fern were saved and brought in by the timely arrival of the reinforcements; and as no Maories were visible in any direction, I returned to Oakura by 8 o'clock p.m., where the troops remained for the night. The Volunteers and Militia preferring to return to town, I allowed them to do so, and they arrived at New Plymouth at 12 o'clock night, having marched at least 24 miles since noon, with a cheerfulness and zeal for which they are now notorious, and for which I cannot accord them too high praise.

As regards the origin of this unfortunate affair, which I am unwilling to prejudge, I have ordered evidence to be taken, and every enquiry to be made; and as this is still incomplete, I must claim the Lieutenant General's indulgence until the next mail, when I hope to be able to report more fully all particulars.

As some rebel Maories are stated to have arrived from the North, I have strengthened the outposts, and depend entirely on the Militia and Volunteers for the defence of the town.

The Regular Troops are severely overworked by constant long marches on occasion of "alarms," for which reason, and to spare them as much as possible, I have placed them at the outstations.

I have, &c.  
(Signed) H. J. WARRE,  
Colonel Commanding Troops, Taranaki.

I enclose casualty returns furnished by Doctor Young, the principal medical officer, who, with the other medical officers, rendered every assistance to the wounded men.



# THE MILITARY OPERATIONS IN NEW ZEALAND.

15

NEW ZEALAND.  
Encl. 2 in No. 6

NOMINAL RETURN of the KILLED and WOUNDED of the Troops at Ahuahu on the 6th April 1864.

| Corps.             | Regimental Number. | Rank and Names. |                 | Years of |          | Date of Death. | Place of Death. | Name of Inquiry.                                                                                                                                                                                                                  | Result.        | Remarks.             |
|--------------------|--------------------|-----------------|-----------------|----------|----------|----------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------------|
|                    |                    |                 |                 | Age.     | Service. |                |                 |                                                                                                                                                                                                                                   |                |                      |
| 57                 | —                  | Captain         | T. W. J. Lloyd  | 34½      | —        | 6th April      | Ahuahu          | Gunshot wounds penetrating, one through left chest, one through abdomen, two through pelvis, also two through right shoulder, and one through right thigh, fracturing femur, a tomahawk wound of right calf, and body decapitated | Killed.        |                      |
| "                  | 2079               | Private         | Jeremiah Dooley | 35       | 17       | 6th April      | Ahuahu          | Gunshot wound of right shoulder, and decapitated                                                                                                                                                                                  | Killed.        |                      |
| "                  | 281                | Private         | George Sadler   | 29       | 5        | 6th April      | Ahuahu          | Gunshot wound of right shoulder, and two tomahawk wounds of left arm, and decapitated                                                                                                                                             | Killed.        |                      |
| "                  | 453                | Private         | Laurence Cronin | 23       | 4        | —              | —               | Gunshot wound of left thumb                                                                                                                                                                                                       | Severe         | Partially amputated. |
| "                  | 472                | Private         | Andrew Collins  | 28       | 4        | —              | —               | Gunshot wound of abdomen                                                                                                                                                                                                          | Slight.        |                      |
| "                  | 2071               | Private         | Charles Kean    | 37       | 17       | —              | —               | Gunshot wound of hip                                                                                                                                                                                                              | Slight.        |                      |
| "                  | 223                | Private         | John Kerby      | 25       | 5        | —              | —               | Gunshot wound of groin                                                                                                                                                                                                            | Slight.        |                      |
| "                  | 3466               | Private         | Peter Murray    | 36       | 8        | —              | —               | Gunshot wound of neck                                                                                                                                                                                                             | Slight.        |                      |
| "                  | 486                | Private         | Isaac Smith     | 22       | 4        | —              | —               | Gunshot wound of chin                                                                                                                                                                                                             | Slight.        |                      |
| "                  | 707                | Private         | John Holden     | 30       | 9        | —              | —               | Gunshot wound, contusion of left ankle                                                                                                                                                                                            | Slight.        |                      |
| Militia Volunteers | 12th Comp.         | Corporal        | John Banks      | 23       | 1½       | 6th April      | Ahuahu          | Gunshot wound through abdomen and body, and decapitated                                                                                                                                                                           | Killed.        |                      |
| "                  | "                  | Private         | James Negal     | 29       | 1½       | 6th April      | Ahuahu          | Gunshot wounds through abdomen, and three through head                                                                                                                                                                            | Killed.        |                      |
| "                  | "                  | Private         | Charles Hartley | 22       | 1½       | 6th April      | Ahuahu          | Gunshot wound through pelvis, and decapitated                                                                                                                                                                                     | Killed.        |                      |
| "                  | "                  | Colr. Sergt.    | George Bentley  | 38       | —        | —              | —               | Compound fracture of humerus from gunshot wound                                                                                                                                                                                   | Dangerous.     |                      |
| "                  | "                  | Corporal        | Robert Stokes   | 30       | —        | —              | —               | Contusion of right shoulder from gunshot wound                                                                                                                                                                                    | Slight.        |                      |
| "                  | "                  | Private         | Edward Whatmore | 33       | —        | —              | —               | Flesh wound of right leg from gunshot wound                                                                                                                                                                                       | Not dangerous. |                      |
| "                  | "                  |                 | Francis Tomlins | 22       | —        | —              | —               | Gunshot wound of right hip, ball not removed                                                                                                                                                                                      | Dangerous.     |                      |
| "                  | 7th Comp.          |                 | James McKenna   | 27       | —        | —              | —               | Gunshot wound of right side                                                                                                                                                                                                       | Dangerous.     | Ball extracted.      |

(Signed) H. J. WARRE, Colonel,  
Commanding at Taranaki.

(Signed) T. E. YOUNG,  
Staff Surgeon.

NEW  
ZEALAND.

Enclosure 3 in No. 6.

## MEMORANDUM.

Encl. 3 in No. 6.

THE Governor has seen in a local newspaper published this morning in Auckland the following statement:—

“People here (Taranaki) think the reason the Maories cut our men’s heads off was because Dr. Webber cut off the head of a dead Maori who was found in the bush after the taking of Kaitake.”

The Governor also understands that Dr. Webber is a surgeon in the employment of the Colonial Government; should such be the case the Governor thinks that an immediate enquiry should be instituted to ascertain the truth or the contrary of the report in the local paper above quoted.

(Signed) G. GREY.

April 19, 1864.

MINISTERS have been informed on the best authority that there is no truth whatever in the statement referred to by his Excellency, but will immediately refer the matter to Taranaki for further information. The paragraph had met the eye of the Colonial Secretary, who had taken steps in the matter before the receipt of His Excellency’s memorandum.

19th April 1864.

(Signed) WM. FOX.

P.S.—Since the above was written the Honourable Postmaster-General, who has just returned from Taranaki, has supplied the information appended. As he has already inquired into the matter, any further notice of it would seem superfluous. It is presumed also that Colonel Warre will report in due course.

(Signed) W. F.

Encl. 4 in No. 6.

Enclosure 4 in No. 6.

HAVING been at Taranaki at the time the rumour referred to became current, I immediately on hearing of it saw Colonel Warre on the subject, pointing out the necessity of an investigation, and the severest punishment of the offender, should the rumour prove to be founded on fact. Colonel Warre informed me that he had already ordered the body of the native (a chief named “Cutty”) to be exhumed and examined. He subsequently informed me that on the body having been exhumed there was found to be not the slightest foundation for the rumour, the head being on the body intact. This is published in the Taranaki Herald, 16th instant.

I may add that I first heard of the rumour from one of the friendly natives, whom I asked, what he thought the reason of the cutting off the heads of our men at Ahuahu. He replied, “I have heard,” (stating the rumour), and added indignantly, “I don’t believe it; none of us believe the Pakehas would ever think of doing such a thing.”

(Signed) THOMAS B. GILLIES.

April 20, 1864.

No. 7.

No. 7.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 63.)

Government House, Auckland, May 3, 1864.

(Received July 14, 1864.)

MY LORD DUKE,

(Answered, No. 81, July 26, 1864, page 67.)

I HAVE the honour to transmit for your Grace’s information a copy of a very interesting account of a tour made by Mr. Fox, the Colonial Secretary, through the Kaipara District in March last, with the view of ascertaining thoroughly the state of feeling of the Native population in that part of New Zealand.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.,

(Signed) G. GREY.

&amp;c. &amp;c. &amp;c.

Encl. in No. 7.

Enclosure in No. 7.

FOR HIS EXCELLENCY,

The Colonial Secretary, at his Excellency’s request, sent to him in January last, for transmission to Her Majesty’s Principal Secretary of State for the Colonies, an account of the capture of Ruarangi, a native charged with the murder of Mrs. Thompson and her daughter at Kaipara. Ruarangi was committed for trial, and as the time approached for that event, the Colonial Secretary being apprehensive that there might be some excitement among the tribe to which Ruarangi belonged, made a tour through the Kaipara District, accompanied by Mr. Rogan the newly appointed Civil Commissioner.

The result of the tour was very satisfactory as exhibiting the loyal and friendly feelings of the natives over a large extent of country, and the conduct of the tribe since the conviction and execution of Ruarangi has been all that could be desired.



The Colonial Secretary encloses an account of the tour extracted from one of the Auckland papers, to which it was contributed by a gentleman connected with the press who accompanied the party.

(Signed) WILLIAM FOX.

NEW  
ZEALAND.

#### The Hon. COLONIAL SECRETARY in the North.

On Friday the 11th March, the Hon. W. Fox, Colonial Secretary and Native Minister, left Auckland and joined Mr. Rogan, R.M., at Riverhead, for a tour in the Kaipara and surrounding districts. Mr. Fox and Mr. Rogan accompanied by Mr. Robert Mair, interpreter, proceeded by way of the West Coast to Helensville, Mr. McLeod's residence, on the Kaipara River.

During this journey, meetings were held at the kiangas of the Ngatiwhatua tribe, on the coast. The leading chiefs addressed Mr. Fox in terms of the warmest welcome, declared their willingness to submit themselves to the law, and professed unalterable friendship for the Europeans, who had been a wall of defence between them and their enemies in Waikato and the North. Mr. Fox addressed them on suitable terms, and assured them that so long as they lived peaceably, as they were doing, the law would protect them. He pointed out to them the evil that had come upon Waikato because they had resisted the law, and did wrong. Henceforward there would only be one law for the white man and for the Native. Mr. Fox likewise explained the change in the law for the sale and purchase of Native land, and installed Mr. Rogan in his new duties as Resident Magistrate and Commissioner; but as the report of the hon. gentleman's speeches at subsequent meetings which I attended will convey the substance of his remarks to the Coast Natives I will not further attempt to summarise.

The Natives treated Mr. Fox and his party with great hospitality and kindness, and in several instances showed that they had advanced very considerably in civilization.

On Monday the 14th of March, Mr. Fox met the greater number of the chiefs and people of the Ngatiwhatua tribe, at their kianga near Mr. McLeod's station. They had come from far and near to be present, inasmuch as they had never before, but once, been visited by any member of the Executive Government. The only other occasion when they were visited by the Native Minister was last Christmas, when Mr. Fox was present at the surrender of the condemned criminal Ruarangi. The fact that one of their leading men was lying in prison, awaiting his trial on a charge of murder, gave additional interest to the proceedings, which were to formally inaugurate a new state of things in which the majesty of the law was to supersede native usage, the full meaning of which change they have had a recent example before their eyes.

Nearly all the leading chiefs addressed Mr. Fox. They welcomed him amongst them, and spoke of their love for the Europeans. Before the arrival of the pakehas the Ngatiwhatuas were broken as a people, and had lost their *mana*; since their arrival they had stood upright like men. The pakehas had been invited by them to land at Auckland, and they had sold Governor Hobson the site on which Auckland is built. That proved that they were friendly to the Europeans, who had in return protected them from their enemies. In former times, when the wind blew from the North they suffered; it blew from the South, or the East, or the West, they also suffered. No matter from what quarter of the country a war party started, they were sure to fall upon Ngatiwhatua; but since the pakeha came to live at Auckland, all that had ceased. Their *mana* had been restored, and they lived at peace and in the enjoyment of their land. They appealed to their willingness at all times to sell land, as a proof of their friendship to the Europeans, and, as a further proof, to the residence amongst them of so many settlers. When one of their number was accused of doing wrong, they had handed him over to be tried by the law; and that conduct they would pursue in future. Reference was likewise made to the war in Waikato, and the conduct of the King party was severely reprobated. The success of General Cameron appeared to give them great delight; and one of the chiefs, Browne of Waipira, said the soldiers were his ploughs to plough down Waikato. He hoped the soldiers would be allowed to plough down the evil of the Waikato thoroughly; and when Maungatautari was taken he would consider that he had had some little personal satisfaction for the sufferings of his family.

This feeling, although somewhat bloodthirsty, is perhaps allowable when it is stated that Browne's father was treacherously murdered by the Waikatos, while living with them as a guest, and eaten by his murderers at Maungatautari. But this by the way in explanation, and merely as an apology for the warmth of feeling which Browne displayed when descending on the effects of the war in Waikato.

Mr. Fox then addressed them in an able speech, of which the following is the substance:—I regret that I was late for the meeting, having arrived at Te Awaroa shortly after its termination. I was obligingly furnished with an epitome of the address by a gentleman who was present. Mr. Fox said he had come to see the faces of the chiefs and people of Ngatiwhatua. He had come amongst them for good, to listen to their words, and leave with them Mr. Rogan to be their guide and magistrate. He had been to Kaipara only once before. On that occasion his heart was dark, but when he heard the wise words of the chiefs of Kaipara the darkness vanished, and he returned to Auckland with his heart light. The words spoken in his hearing this day were very good. It was quite true that the coming of the pakehas to Auckland had preserved the Ngatiwhatuas. They had stood up as a wall of defence between them and their foes, and ever since then Ngatiwhatua had been in peace and security. What would have been the consequence to them if the boastful and proud men of Waikato had effected their object, and driven the pakeha into the sea? Would Ngatiwhatua have escaped? No; the men of Waikato would have advanced against Ngatiwhatua, their old enemies, whom they so often before slaughtered; and they would have driven them also into the sea, because they had been the friends of the pakeha, and had not joined the evil men of the King's party. But where is Waikato now with all their boasts? Are they at Meremere? Are they at Rangiriri? Does the King flag fly at Ngaruawahia? Do they still possess Rangiahia? No. Waikato has fled. The Queen's flag floats at Ngaruawahia, and the country of the Waikato is in the hands of the pakeha. Waikato would not live at peace like Ngatiwhatua. They said they would drive the pakeha into the sea; but they have been driven to the mountains and lost their lands and all they possessed. These evil men would never come back to annoy either the pakehas or Ngatiwhatua, or any other tribe; they must hide in the mountains or woods. The Governor had sent his ploughs to the Waikato,—soldiers, guns, and swords,



—to plough down the evil of Waikato; soon they would see other ploughs at work, tilling the earth, and settlers planting and sowing and opening the country. Then there would be peace. Now what was the reason of this? Because the men of Waikato were proud and ignorant; they neither feared the laws of God nor the laws of man. The Governor did not try to take their land from them. They might have kept their land for ever; but they would not remain at peace. They shed blood, they made war upon the Governor, and now they have lost their land. The work of Ngatiwhatua has been different. They invited the pakehas to come across the sea in ships; they asked them to settle amongst them, and sold them the land on which Auckland stands, and all adjoining. Their words had always been peace, and the Governor never would bring his plough amongst them. He would protect and cherish the peaceable tribes. Mr. Rogan was the plough the Governor had sent them, to bring them good laws—to be a light to them; and eyes and ears to the Government, that they might know the thoughts and words of Ngatiwhatua. The Governor would take none of their land, but what they wished to sell and receive money for. There was to be a new law about land, and he would tell them about it. They knew that down to this time the Government only could buy their land. They could not sell it to whom they pleased, but the Government bought it, and sold it again to pakehas going to settle upon it. Now, if they wanted to sell any land to any one, they had only to tell Mr. Rogan, and satisfy him that they had a good claim to it, and he would give them a certificate of title, which would enable them to sell the block to any one they pleased. It rested with them whether they would sell the land or not: the Government would not interfere with them about it; it was for them to decide whether they possessed too much land and would dispose of what they did not need. Mr. Fox next alluded to the great evil which existed amongst them of buying spirits from the pakehas, and selling or drinking it. Mr. Rogan's business would be to put a stop to that traffic; but the chiefs and assessors must help him to stop it. He could not do it unless all the chiefs helped him and strengthened his hands. Mr. Fox concluded by intimating that if they required a medical man to be resident amongst them they ought to signify their wish to Mr. Rogan, who would inform the Government, and one would be sent. He likewise commended Mr. Rogan to them, and invited them to grant a site for a court-house, schools, and church.

On the evening of the same day, I was present when the Natives made a gift of ten to twelve acres on the right bank of the Kaipara, between the Awaroa creek and the landing-place, for a court house. At first they desired to make a deed of gift to Mr. Rogan, but that gentleman made it clear that the reserve was to be for public purposes, and that he could have no right or title to it. This preliminary having been arranged, the boundaries were fixed, and the dedication made to Mr. Fox on behalf of the Government, in the presence of Mr. Rogan and several European visitors.

This concluded the business at Te Awaroa, on the Kaipara; and on the following morning (Tuesday, March 15,) the Colonial Secretary and Mrs. Fox and party left the hospitable residence of Mr. McLeod for the lower portions of the Kaipara. They were accompanied by Te Keene, of Orakei; Browne, of Waipira; Tomai Rangi (Wynyard), of the Wairoa; and Waterhouse and Wariputi, of Waitakeri. Wynyard sailed his own boat. He had been up at Mr. McLeod's station on private business, and hearing that Mr. Fox was expected to arrive there, waited for him.

After a pleasant sail down the Kaipara and across the Heads, the party reached Tauhara, the settlement of Wi Tipene (Stevens), on the North bank of the Wairoa River, and about two miles from the North Head. Here they remained all night, and took their departure next morning to the Otamatea, with the intention of meeting the leading chiefs of the Uriohau, a section of the Ngatiwhatua tribe, located principally in that district. An addition was made to the party at this stage of the journey. Wm. Tipene and his brother Pairama coming over in their boat "Wesleyan," to be present at the meeting. They are two of the leading chiefs of Uriohau.

As I will take a subsequent opportunity of particularising the natural attractions of the country through which I passed, I will confine myself entirely to reporting the speeches as I could gather them, when they contained anything of interest, or differed in any particular from those that preceded them.

Mr. Fox and party arrived at Tanoa, the settlement of the old chief Paikea, and was well received. Two large union jacks were borne by standard bearers, and a smaller one—a bannaret in fact, was carried by the chief Arama Karaka (Adam Clarke). Mr. and Mrs. Fox were installed in the best room in Adam Clarke's weather-boarded house; and the other Europeans were comfortably disposed of in another apartment. The chief resided close by his house in a whare, so our advent did not appear to disturb his family arrangements. The chief Paikea is building a weather-boarded house of still larger dimensions, but there is a doubt whether the interior will be finished for some time to come. The builder—one of the Albertland settlers—and his wife and family occupy one corner of the unfinished building. There is another weather-boarded house used as a store, belonging to a settler; and there are about twenty whares similar to those that may be seen anywhere in the province of Auckland.

Nothing was done on the evening of our arrival, and as the Natives had not fully assembled on the next day, Mr. and Mrs. Fox and Mr. Rogan rode over to the Oruawhoro special settlement, visiting the station of Mr. Gittos on the way. Next day, the 18th March, a meeting was held in Paikea's house, which was attended by about 70 Natives. A few females were present.

The meeting was addressed by the Wi Tipene, Arama Karaka, Paikea, Manuka, Hemaua, Pairama, Rupuha, and Matikuha. The burden of their addresses was a cordial welcome to Mr. Fox, whom they looked upon as the Governor's deputy. They spoke with some bitterness of the disappointment they had experienced by the Governor not visiting them, as had been promised, although they had prepared a great feast for him. They likewise reminded Mr. Fox of their friendship for the pakehas, as was proved by the whole of their intercourse with Europeans since they settled in the country; and they seemed to think it remarkable that the Governor should visit the Northern tribes and the Waikatos, where there had been wars, and not visit the Ngatiwhatuas and Uriohaus, who had always behaved well and respected law. With this exception they had no complaints to make. They were very glad to see Mr. Fox, and their love for him, and the Governor, and Mr. Rogan, would never cease.

Mr. Fox, in reply, said:—I am come now to see all the chiefs of the Ngatiwhatuas and Uriohaus. I came from Auckland that I might see all your faces, and hear you speak. I came by Waitakeri, and called at Muriwai, and Ongarahu and Awaroa, and passed thence by Waipara to Tauhara, William Tipene's



anga; and here I am now at Tanoa, that I might see Paikea, Adam Clarke, and all of you, face to face. When I am at Auckland I see you a very long way off. I can only see you through your letters, and you see me through my letters, and they may be very dark; but now when I come and see you face to face all is light. When I am in Auckland I am like a man shooting with a gun at an object a very long way off—I do not hit what I aim at; and you do not hit what you aim at, you are too far off. When I come here, however, your shot hits me, and mine hits you. Your shots go right in because I am near. And, as I am the eyes of the Governor to see you, how would it be if my eyes were dark, that I could not see the chiefs of the runanga? Your words have all been very good; the words of Paikea, of Adam Clarke, and the words of all the other chiefs who have spoken have been very good. Your words have been good, and clear, and pleasant to me; but there was one thing you said that I think was not right—the thing which I think was not true. You complained that there had been a Governor for the Ngapuhis, and a Governor for the Waikatos, but that there had been no Governor for the Ngatiwhatuas and Uriohaus. Why, that is not a true word. Did not Governor Hobson go first and live at Russell near Korareka? Was not that where he first landed, and did he not leave them and come down to the Ngatiwhatuas, and ask you for a place where to put the chief city? And ever since that time you have had all the government among you in the land of the Ngatiwhatuas and Uriohaus; so you cannot say that there has been a Governor for the Ngapuhis and a Governor for the Waikatos, but no Governor for Ngatiwhatua and Uriohau. Another thing you state, that neither Governors Hobson nor Browne, nor Sir George Grey, came to the Kaipara; and Hema said that to walk as far as Auckland was very sore for the feet. I do not know the reason for this. Probably it was that they knew you were not like the prodigal son; for while Heki in the North was cutting down the flagstaff, and Waikato was setting up and fighting for a king, you behaved like the eldest son in the parable, who remained at home; you were good and kind, and friendly to the pakehas. Perhaps these were their thoughts, and not knowing your good works they did not come. But now I have come to see you with my eyes, and to listen to you and carry back the good words of you all to the Governor. Another thing I have come for is this. I am sure you will be glad of it, when I tell you that I bring Mr Rogan, and will leave him with you to be your kia-whakawa and judge of land in these parts. Manukau (a chief who had addressed the runanga) said when the missionaries first came here, that was when they first saw a fish-hook. I suppose he means, that it was the Gospel that fished up all the Maoris; and now that Mr. Rogan has come here, he will be my fish-hook to fish you all up for the law. So you see what Manukau says is quite true: first came the Gospel, and lifted you all up; and now comes the Queen's law, to lift you up again; the one to lift up your souls, the other to lift up your bodies and your goods. If, therefore, there is any trouble amongst you about anything, if there is anything dark, or any trouble between Maoris themselves or between a European and a Maori, let all go to Mr. Rogan and he will make it tika (right). And if the trouble should prove too great for Mr. Rogan to settle it, he will come out to Auckland, or send there, in order that the Government may inquire into it. So in that way, the law will be the fish-hook that will lift you all up and keep you straight, and all things will be quiet, and there will be peace among you. Mr. Rogan is not here to be a roaring lion to tear you all to pieces; he is come here as a man of peace. He has come here to lead you, and to guide you, and to be kind to you all; and to prevent any trouble growing up between you and the pakehas settled on the land and you sold them. I was very glad that all the Ngatiwhatuas and Uriohaus welcomed the pakehas, and made a feast for them when they came. I was indeed glad to hear that you had been so kind to them when they came to settle on these lands. I wish I had been there to take a share in that feast, which was to lay the foundation of peace and love between the two races for the future. I trust that these feelings will continue, and that no trouble ever will arise between you, but that in future you may live at peace in the land, like brothers of the same flesh, and bone, and spirit. You have welcomed the pakehas and sold to them your land, and they in return bring many good things to you. They will bring you others—clothing, and many things that will be beneficial to you. There is plenty of room for both; and may you always live in peace and contentment with each other. No doubt at some time or other evil or trouble will arise. Some foolish Maori will do some bad thing, or there will be some foolish pakeha who will do some bad thing. Now, in the old times when a foolish or bad thing was done there was a taua; you would have run to pillage and plunder the man who committed it; and perhaps there would have been bloodshed. That will be settled now by Mr. Rogan; he will put his foot on the evil doer, and there will be an end of that business. You saw the other day, when that evil work was done at Kaukapakapa, how wisely the whole of the chiefs of the Ngatiwhatuas behaved. They brought the accused to be examined and punished by the law, and there was an end of that trouble; and so I hope it will be done over all the other tribes, and if so their trouble will be over. That was a case in which a Maori did evil against a pakeha. I hear there are pakehas who have done evil against the Maoris. I heard the other day of a foolish pakeha who shook an axe over the head of a Maori to frighten him. That was a foolish deed in that pakeha. I don't think that pakeha meant any harm; but some of the pakehas new from home, I'll tell what they are like. They are like a shying young horse that takes fright at a stone; the horse must be used to the road some time before it will pass without shying. Now the pakehas new from home don't know at first what to make of the Maoris. They are to them something like what the stone is to the young horse—they don't know what to make of them, and that is the fact. But by and by the horse gets to go past the stone and does not shy any more; and by and by the pakeha gets to know the Maori better, and he sees that he is quiet and kind, and there is then an end of his folly. But if there is a continuance of this folly, there is Mr. Rogan, who will be a stick through the law to make the foolish go quietly. You all see, therefore, that Mr. Rogan will keep everything quiet between Maori and Maori, and between pakeha and Maori, and it will be his duty to lay down the law. There is another thing I have to tell you about Mr. Rogan, and it is this. There is to be a new way of buying lands. You know that up to this time no individual pakeha could come and buy land of any Maori; but the land was bought by the Government, and afterwards the Government sold it to the pakehas who came to settle. Now, after this time any pakeha who wants a piece of land may come to a Maori and ask him to sell a piece, and he may agree about the price, and if the Maori chooses he may sell the pakeha that land; but before he hands it over, Mr. Rogan must come in to see that all is clear—that the title is good, so that there may be no dispute



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between them by and by. I think that will be a good thing for the Maori, because they will have more people to sell to, and perhaps they will get more money for their land. I don't know, however, but I think it may be so. But Mr. Rogan will inquire into all cases of sale, and where he has given his written assent the land may be sold. However, I want you to remember that no land will be taken from the Ngatiwhatuas and Uriohaus while they live at peace, unless they are willing that it should be sold. Those foolish people to the South who have been trying to make a king for themselves and that have been fighting with the pakehas and committing murders will lose all their lands, because they are evil. They tried to drive the pakehas into the sea. They were not like the Ngatiwhatuas, who invited the pakehas to settle on the land. They threatened to take Auckland, which was bought from you, and to sack it, and said they would destroy the lives of men, women, and children. That was the word of Thompson. And now, according to the Maori law about land, as they have been beaten, their lands will pass away from them; but if they had lived in peace with the pakehas, like the Ngatiwhatuas and Uriohaus, they would have kept their lands, and we never would have taken any from them unless they were willing to sell to the Governor or pakehas. Another thing the Waikatos will lose—they will lose all their arms, and powder, and bullets. I am told that some foolish person raised the story that Sir George Grey went to Mahurangi and to Mangapai to take the arms of Ngatiwhatua and Uriohau. This is a foolish saying. The Governor does not want to take the arms of any Maori, except those that fight against him like the Waikatos. As long as you sit quietly and obey the law and do good, you will not be interfered with in any way. There will be one law for the pakeha and one law for the Maori; and he that obeys that law will do well, and he that does not obey will be punished, be he pakeha or Maori. Mr. Rogan will be the fish-hook that will get into the jaws of the bad man, and he will draw him out for punishment. Well now, I leave him with you to be your kai-whakawa and land whakawa. Be kind and good to him, and he will, I know, be kind and good to you in return. I know you will be kind to him. I thank you all for the kind words you have said to me; and I hope that this will not be my last visit, but that I may see you again in Kaipara.

The Rev. Mr. Gittos, who had interpreted Mr. Fox's speech, then addressed the natives in Maori.

Manuakau explained his allusion to the Governor not to convey any grave censure. They felt they had been overlooked hitherto by all the Governors who had visited the Waikatos and the Ngapuhis; and he remarked that it was strange that wherever the Governors went the people began to fight. It was to their credit in Kaipara that they had remained on good terms with the pakehas, and they wanted that feeling to continue. They would all obey the law; and as for Mr. Rogan, he looked upon him as a fish-hook, and no mistake, that would haul up anything. Now they were satisfied that they had not been forgotten. They looked upon Mr. Fox as the Governor's representative, and they talked to him in that capacity. He alluded to the threat of the pakeha, who held an axe over a Maori's head, and said it was only a joke which he had seen and thought nothing of.

After a few remarks from Te Keene, the meeting formally closed by the native reporter reading his notes of the proceedings.

#### The Hon. COLONIAL SECRETARY in the North.—No. II.

On Saturday, the 19th of March, the Hon. the Colonial Secretary and Mrs. Fox, accompanied by Mr. Rogan, R.M., and party, started from Tanoa, for the Wairoa. From this point another addition was made to the native following of the hon. gentleman, the Uriohau chief Manukau, having joined the expedition, bringing with him his boat and crew; Pairama likewise attached himself to the company.

The three boats had a fortunate run to the Wairoa, and at four o'clock the small bay in which Wynyard's settlement is situate on the proper right bank opened out. The house of the chief was seen on the bluff above, and the union jack floated from a flagstaff in its front. A crowd of men, women, and children were seen waving handkerchiefs and shawls, and also what appeared to me very like blankets. They danced and sung, and made other demonstrations of welcome. On landing the reception of Mr. Fox was in the good "old style"—pitching of spears at the strangers, hideous grimaces, and howling, followed by the precipitate retreat of the spearsmen before the charge of the boat's crews, who in turn were brought up by the sudden appearance of an ambush laid to cover the retreat of the two young men. Then followed what I was told was a dance of welcome; and Wynyard courteously led his guests up the steep path cut out of the side of the cliff to the upper platform on which his house stood. Here the ceremony was renewed; and we severally shook hands with all the natives at the kianga. This very agreeable duty over, the pakehas were ushered into the house—a large, well-lighted and comfortable rapouwhare, where we were received by the two ladies of the kianga, Wynyard's wife and daughter. These ladies were very becomingly dressed.

After dinner, which was both excellent and well served, a meeting was held outside the whare. The natives assembled and danced a war dance; then a dance of welcome; and after resting for breath, the leading men severally addressed Mr. Fox.

As this was the first kianga of the Ngapuhis visited by the Colonial Secretary during his tour, I was anxious to see how he would be received. The well-known character of Wynyard was a guarantee for hospitality and courtesy, but it was not impossible to anticipate from one or other of the natives the expression of feelings somewhat different from those which the Ngatiwhatuas and Uriohaus assured Mr. Fox were the thoughts of their hearts. I am glad to say however, that to me there appeared equal heartiness in the welcome of the Ngapuhis; and there was more display, which perhaps arose from a consciousness of tribal superiority, if not of personal worth.

The performers in the war dance before the orators at the meeting, it may readily be imagined that they were not burdened with superfluous clothing during these proceedings, and if disconsolate Israel had been there in quest of his favourite, he would have had little difficulty in identifying the party-colored coat of his lost favourite amongst the motley attire of the natives.

Rahanana welcomed Mr. Fox, and expressed his determination to remain quiet. He was living in



his own canoe like his forefathers on his own piece. This speaker was followed by a young man who "heremaied" the Colonial Secretary and the Europeans, and hoped nothing would ever separate them. Then Kawai, an old Ngapuhi warrior, addressed the meeting. He carried a valuable greenstone mere in his hand. He said although it was the first time Mr. Fox was here it was not the first time the Governor's protection came, and he hoped it would continue. He desired nothing but peace; and the fact that Mr. Fox had come amongst them would establish it for ever. As to the old law (native usage) let there be an end of that, and let the new law be now established. They had had enough of the old law. Terewhere likewise expressed himself favourable to the Queen's law, and hoped that it would be introduced to other parts of the country as well that peace might last. He referred to the proceedings at Otamatea, and said it was right this people should be remembered as well as the others. His father Mohetara had always had Europeans about him; they belonged to him and were his pakehas. When the Europeans first came into the country at the Bay of Islands his father went over from Hokianga and protected them. He at last lost his life protecting them; and took them over to Hokianga, and allowed them to live at peace around him. Korotea, an old man, confined himself simply to a welcome:—"Come my father, come my European relatives, come and look at the land because it belongs to you; come to your people. The people is yours, the land is yours, and the cattle that runs." Ohia, another chief, said the pakehas had brought good tidings into this country a long time ago; and they (natives) had never been interfered with up to the present time; and now they were bringing good tidings in continuation of the former that were to last for ever. The Europeans were the covering of his father who had gone into his grave. The clothing the Maori wore in former days had been thrown away, and with the European clothing they had adopted the pakehas' habits and customs.

Other natives welcomed Mr. Fox, when the chief, Wynyard, stood forward, and after a playful allusion to the smallness of his happu, said: Come the sun, because the sun belongs to the day. Come the moon, because it belongs to the night. The moon separates the day from the night; it gives the lesser light. When the sun makes its appearance it sends away the darkness. The sun drives away the moon, and the stars, and all the darkness; he throws all these into the shade and casts light around. That sun is you (pointing to Mr. Fox), who stand here before us. The darkness can never make its appearance before the light, and that light is you. We are dark, but you are light; and like the sun in the sky you will drive all darkness away from us. You are welcome, representing the Governor, and Mr. Rogan is welcome, and as you have come here to visit me, I to a certain extent consider myself your protector here, but this is not the first time we have offered peace and protection to Europeans. It is, however, a matter of very little consequence what is said now. I wish to refer to my own people and to the Ngatiwhatuas,—that from the first time they offered protection to the Europeans, and although they might have got the better of Europeans generally, they pursued one course, they were their consistent friends throughout. The Ngatiwhatuas, Rarawas, and Ngapuhis, from the time the pakeha arrived here, never broke away from the universal course they had adopted towards them; they were kind to them and offered them friendship and protection. I will make my speech short and go straightforward. I invite my people to come in under the law, that you may get the protection of the law of the Government. (Holding a short stick between his right finger and thumb, and two sticks in the fingers of his left hand, Wynyard continued)—There have been three laws,—one, the law of man (pointing to one of the sticks), the other the law of God, and the other the law of the Government (pointing to the other stick in his left hand). It is in consequence of two of these laws—the law of God and of the Government, that men are now able to eat. As to the law of man (native usage) I throw it away from me (suiting the action to the word, and flinging behind him a short stick), but I will hold fast to the other two. If I do not obey these laws, let me be examined by him that finds fault, and let me be blamed for it. If I transgress, it is to my hurt, I will suffer. I have nothing further to say, but that in consequence of your coming, I have given my house, which has not yet been named, the name of Marama tai aho aho—the house of light.

The natives then sung a song made for the occasion; and finished with something like an English "hip, hip, hurrah," and three hearty cheers, which did credit to their lungs and sense.

Manukau complimented the people upon the excellence of their speeches, and their good sense in cutting them short.

Mr. Fox said: I am here to thank Wynyard and all the Ngapuhis for the very kind words they have spoken, and the kind welcome they have given me. That is a true word that Wynyard has spoken that the Ngapuhis of the Bay of Islands and Hokianga, and the Ngatiwhatuas and Uriohaus have always been friendly to the pakehas. And I read in a book how a long time ago, when Captain Cook came to these islands, the Ngapuhis gave him food, and were kind to him. That is nearly 100 years ago. The part of the country where I came from is close to where Captain Cook was born, in England, and I know the daughter of the man in whose ship Captain Cook was a sailor when quite a little boy, that was a long time before he came to New Zealand, and met with the kindness of the Ngapuhis. By and by Marsden, the missionary, came from New South Wales. That was the first man who brought the Gospel to you; and the Ngapuhis received him kindly at the Bay of Islands and Hokianga, and Kaipara. Then came afterwards the old pakeha missionaries, and some went to the Bay of Islands, and some to Hokianga, and some to other places; but to all of them the Maories were kind. Then afterward, when Captain Hobson came on account of the pakehas to live upon the land, the Ngapuhis received him and were kind to him too. And this has been the same all over New Zealand, wherever the pakehas went the Maories received them, and were good to them, and sold them land on which to settle. It is true there have been times when foolish men stirred up war and strife and fighting, but these foolish people I leave them aside. We will leave General Cameron to deal with them. These are our old friends, the Ngapuhis, and Ngatiwhatuas, and Uriohaus; and the pakehas are glad to live with them in peace and see them flourishing. I will now make an end of my words, for this is a visit of affection to Wynyard who was kind to me, and who followed me from Te Awaroa, and I came here to see his kianga, and to receive his kindness. So I shall only thank you for what you have said and done for me in Kaipara, and I will leave with you, as my shining candle, Mr. Rogan, who is to be the light to you all in Kaipara. He is to be a light to make the law clear to you. He

is to be like your elder brother, to lead his younger brothers into the right way, and if there is any trouble to remove it away. He will be eyes to the Government, that when the Government looks towards Kaipara, from Auckland, they will be able to see the Ngatiwhatuas and Uriohaas, and all the other people that live here. And now I will thank Wynyard and Ohiah, and all the other Ngapuhis and Ngatiwhatuas and Uriohaas that are here.

The natives closed the meeting by giving three hearty cheers, after the chief of Waipira (Browne) had ridiculed the Waikatos for setting up a king of New Zealand, seeing that no such title had ever been known in the country. He vindicated the Queen's Government, and hoped the authorities would not stop until they had completely vanquished the rebels.

At the solicitation of Wynyard, Mr. Fox and party remained at the kianga until Monday morning.

### The Hon. COLONIAL SECRETARY in the North.—No. III.

ON Monday, March 21st, the Hon. Colonial Secretary, Mrs. Fox, and party made an early start up the river on a visit to the settlements of Parore and Tirarau, on the Wairoa. The morning was squally, but the boats got up the river safely to Mangawhere, the residence of Mr. Marriner.

Mr. and Mrs. Fox, and the Europeans who were with them, enjoyed the hospitality of Mr. Marriner, and after dinner a start was again made. From this point the river narrows considerably, and becomes more interesting. The banks are wooded on both sides, and as the elevation of the ground varies greatly there is a pleasing variety produced. Hill and dale, wood and water, seem to spread out continuously, but few evidences of occupation are seen. On the Toka Toka block, below Mr. Marriner's, there are several settlers' houses, on the left bank of the river; and on the right bank, a mile or so below Mangawhere, a new saw mill is being built by Mr. Bonar. Above Mangawhere all is solitude. A little patch of cultivation may occasionally be seen, but nothing to deserve the name of a farm clearing.

Night overtook the boating party on the Wairoa. The weather moderated towards evening, and the pull on the river, glistening in the moonlight or overshadowed by the forest trees along its banks, was very pleasant. The Maori boatmen plied their oars willingly, chanting wild songs; the night owl screeched occasionally; and so we reached Parore's settlement at Waiaruhe, on the right bank, about nine o'clock. We there landed to enable Mr. Fox to visit the old chief, and our Maori friends to cook food for themselves. A pig was seized whilst engaged in the agreeable task of munching a heap of peaches at Parore's door, and before the last morsel had reached its stomach it was slaughtered, and the reeking flesh deposited in a Maori oven. The flesh of the porker was devoured greedily, for the men had had a long pull against the tide, and they had not tasted anything from mid-day. The European guests of Parore regaled themselves with a cup of tea and a few late peaches, and Mr. Rogan and the leading men of the hapu discussed politics and the war. It was with difficulty they could be made believe the truth with regard to Waikato. Thompson and Rewi had been at work, and the Natives really believed that we had had the worst of it. One old chief, dressed in a dogskin mat (the elder brother of Parore), would not be convinced, and was unmercifully ridiculed by Manukau and Browne for his incredulity.

Mr. Rogan's persuasive powers prevailed, however, and Parore consented to accompany the Colonial Secretary to Marekura, the residence of Tirarau.

The journey to Marekura was accomplished after the same fashion as that which preceded it, and at one in the morning of Tuesday, the 20th March, we landed at Tirarau's boating establishment. Here we encamped for the remainder of the night. It was understood that Tirarau was building a large house at the landing place in which to entertain his guests on the occasion of removing his son's bones from thence to the burying place of his ancestors near the East Coast.

Our arrival was not unobserved, however, for Tirarau and his people, instead of residing at their kianga, a mile inland, were living within a stone's throw of the landing place in temporary whares erected for the occasion; and as they expected Mr. Fox and Mr. Rogan to arrive on Monday, they were at no loss to guess who had landed.

Our beds were spread on the damp ground, and when falling asleep we were aroused by several heavy blows and the groans of expiring porkers—by no means an unwelcome sound to our Maori friends; and I confess that I fell asleep with greater satisfaction than I felt in the first instance.

On Tuesday morning a procession of natives—men, women, and children—bearing kumeras and potatoes in kits, and two pigs, made their appearance at our encampment, and these were presented to Mr. Fox and his party by Harriett, the wife of Tirarau, who welcomed us warmly. She is a little middle-aged bustling woman, rather pleasing in appearance, and neat and cleanly in her attire. The natives attached to Mr. Fox's party spent the morning in dividing and cooking the food. A liberal share was set apart for our use. Nothing was done during this day, as the chief Tirarau was laid up with rheumatism, and expressed a wish that the meeting should be postponed until Wednesday morning. Tirarau could not leave his whare; and as it would have been a breach of Maori etiquette to visit him before he called upon his visitors, the chiefs who accompanied the Colonial Secretary did not move from the vicinity of the landing place all day. The Europeans visited Tirarau, who received them courteously. He was lying on his bed dressed in a loose gown, and he was the first Maori I ever saw who wore slippers. Parore sat at his feet on the bed. Both these chiefs are excellent specimens of the race of Maori chiefs now nearly extinct. Parore is a fully tattooed man, and has a well-developed head and regular features. He would be a very handsome man but for his small suspicious dark eye; as it is, he is excessively proud, excessively grasping, and by no means so intelligent a man as his kinsman Tirarau, whose eye and brow betoken great intelligence. A good-natured smile plays on his features when speaking, but the massive jaw and compressed lips hint that there is quite as much of the lion as of the lamb in his composition. Tirarau was a famous warrior in his day, and carries the marks got in many hard-fought battles. Parore, so far as I can learn, was



never celebrated in war, although I question if he is, or ever was, half so pacific a man as Tirarau. I need not refer to the services rendered to the Europeans by Tirarau; suffice it that he refused to permit Heki to pass through his territory on his way to sack Auckland. Since that time he has not been out of trouble, but he has still been true to the Government and a friend to the Europeans.

I spent some time going over his kianga, which contains several weather-boarded houses, stock-yards, granaries, barns, and other buildings. I saw three iron ploughs and harness, two horse drays,—one in use,—and other evidences of civilization. There was abundance of food stored, and many acres were planted with maize, kumeras, potatoes, and other vegetables. A plot of winter potatoes was cultivated with great care, the stem of every plant being protected by a handful of moss.

The native chiefs dressed early on Wednesday morning, and went up to see Tirarau, who was still on his bed. They talked over matters in dispute between them, and these, I understand, were amicably arranged. The "talk" had not ended when Mr. Fox, accompanied by Mr. Rogan, approached the whare. Mr. Henry Walton, M.L.C., whose estate is situated midway between Mangakura and Wangarei, had arrived the previous day, and was present during the Native discussion. He intimated to them that Mr. Fox wanted to speak to Tirarau before he left, upon which the chief Manukau philosophically observed that he would "prefer to listen to the talk with a full belly." The hint was taken, and a well-cooked breakfast of pork and potatoes was served to the Native visitors.

The preliminary matters being satisfactorily arranged,

Tirarau apologized for being compelled to speak while sitting. He said: This is the thought of the Ngapuhis, and word to a like effect has been communicated to me from a like meeting. The whole of the Ngapuhi tribe is to be taken to commence properly at Wangarei, and go northward to the North Cape; the people here are not strictly Ngapuhis, being mixed. From the time of Honi Heke's war, and afterwards, there was no confusion as regards that tribe in this particular part of the country. I think that the boundary of the Ngapuhis ought to begin at Maungakahi. With regard to the question of war, I do not like to look at it; but the conclusion I have arrived at is the same as that to which I arrived long ago—that there should be peace. At the present time I have not a word to say about fighting; my own word is, that I will remain quietly at peace on the land. The only thing in my opinion, and from what I have heard about the Ngapuhis, that would lead to the probability of a disturbance or disagreement amongst the Ngapuhis with regard to the Europeans, is if the Government send up persons to take their guns from them. That might, possibly, be the cause of difference between them and the Government. Whatever the Governor might do to the Waikatos would not, I think, affect those people's minds (the Ngapuhis), as they look to themselves. My idea with regard to taking of guns is this: the moment the collector of guns is sent to my place, the moment he demands my gun, I will throw it at him, for it is rusted and of no use to me. I will obey at once; but I will look into the face of the individual, I will look into the eyes of the individual, who comes and takes my property which I bought in former days. I will look to the man for the full value of it.

Parore said he had no thought for any other way but that which he had been pursuing for a long time. He had no consideration for the people who went to fight against us. His principles were peaceable. All he cared for was to remain at peace. His boundary was from Wangarei to the Heads. His son had passed away in peace; he was an old man now and childless, and he wished to pass in the same way—the way of peace.

Mr. Fox then addressed them. He said: this is a visit of affection and respect on my part to Tirarau, Parore, and all the chiefs up here. I have not much to say to you. I have come from feelings of kindness, and a desire to see your faces. I have heard a great deal of the foolish talk sent here by Waikato, and other people carrying false stories about the war; and I thought you might wish to see the truth on that subject, so I brought you up a paper which Mr. Rogan will give you, containing the correct word. I have heard that Thompson, and Rewi, and others, have been telling the Maoris in other parts of the island that they have beaten the white men, and shut them up in Meremere; that they had killed six or seven thousand men, and had lost none or only a few themselves. If that be true, how then is it that the Queen's flag is flying at Ngaruawahia; that we have taken Rangiriri; that Te Rore, Paterangi, Pikopiko, and Rangiawhia have been taken by the soldiers; and that we have got all the lands of the Waikato? Even Kihikihi, Rewi's own place, has been taken, and is held by the soldiers. But I need not say any more about the war, as that paper will tell you all about it; and I will take care that you will have more accounts if any more fighting takes place, so that you will know what is going on from time to time. And now about the guns. That is not a true word you have heard. It is not true that the Governor is coming here, or that any other person is coming to take away the guns of our friends. They do not hurt us. If they were like the men of Waikato, threatening to shoot us and drive us into the sea, that would be different; but you are our friends; why should you not have guns to shoot pigeons and defend yourselves as well as we? So long, therefore, as our friends remain quiet, and live at peace, we will not take their guns. This talk about taking guns is foolish talk of men who go about the country and spread false stories. You ought not to pay any attention to them; but when you are in doubt about anything, ask Mr. Rogan, who will come up, or Mr. Walton who lives amongst you, and they will tell you the true word. They will have all the papers from the Government, and will tell you what is true. One reason why I have come up here is to bring Mr. Rogan and leave him with the Maoris as a magistrate and a judge of the land, to be a friend and guide to the Natives; and I also want to tell you about the change there is to be in the land. The word about the land is this: Formerly you could only sell land to the Government, and the Government sold it to the pakehas who used it; but from this time you will be at liberty to sell land to any white man you think proper, only before doing so you must satisfy Mr. Rogan that the title is clear. That is all I have to say. I leave Mr. Rogan on the river to be eyes and ears, and a mouth for the Government to speak to the Maoris, and to be kind and good to them; and I hope and know you will be kind and good to him. There will be one law for the pakeha and one law for the Maori; if any pakeha does an evil act he will be punished for the evil; and if any Maori does an evil act he also will be punished for it. Mr. Rogan will make all this clear to you. That is all I have to say, except that I am sorry to find Tirarau lying on his bed. I hope he will soon be well; and I am sure he will continue to be, as he ever has been, the friend of the white men. The Europeans have always lived in peace with him.



After the meeting Mr. Fox and Mrs. Fox, accompanied by Mr. Walton, proceeded up the river in a boat provided by Tirarau; and Mr. Rogan, with the attendant Natives, returned down the river. I continued my journey in company with the Colonial Secretary and Mr. Walton. I should mention that before leaving Marekura, Tirarau gave the Native visitors about two tons weight of food, which they took away with them in their boats. Before taking our departure up river, we called at the house of Mr. Wilson, an old settler who has resided in the same place upwards of twenty years, and has brought up a large family most respectably, although under many disadvantages. From a remark made by Mr. Wilson, I am led to believe that the Wairoa has been entirely neglected hitherto. The trip up the river was very pleasant. The width of the river narrowed, and the character of the land improved. The flat banks of the river had up to a comparatively recent period been under cultivation, but are now overgrown with peach trees, vines, and shrubs. Occasionally the scenery partakes of the English character from the willows that line its banks, but the background is purely New Zealand. We passed several Native settlements and abandoned clearings of Europeans, who were unable to contend with isolation like Mr. Wilson; and I think for about twenty-five miles beyond that gentleman's residence there are not a dozen Native families now living. They have only a limited extent of cultivations compared with former years.

About two o'clock we arrived at the abandoned settlement of Warekohe, from which there is an excellent road to Wangarei. Thanks to the kindness of Mr. Walton the party were provided with horses, and rode on to his residence during the evening. The ride from Warekohe to Mr. Walton's estate is partly over open fern hills and through four miles of bush. The scenery is very fine. I may here mention that an excellent dray road has been cut through the bush at Mr. Walton's expense. It cost at least 500*l*. Taking this road and others, also through Native land, made by Mr. Walton while conducting his stations on the river, there must be in all fourteen miles, which will materially assist in the future development of the country. I have never seen so compact an estate as Mr. Walton's. The scenery is charming, and the land is of the very best quality. Everywhere there is evidence of a large outlay and judicious management; and if any one desires to satisfy himself of the beneficial policy of selling lands in large blocks, say of 1,000 to 2,000 acres, he has only to visit the hospitable home of Mr. Walton to convince himself. The unimproved and desolate forty-acre speculation lots adjoining, although equally good land, tell their own tale.

On Thursday the 24th March, Mr. Fox and Mr. Walton, attended by Mr. Robert Mair as interpreter, visited a kianga of gum-diggers, about three miles from Mr. Walton's house. He there met the chiefs, Maunsell and Taurau, and other influential northern chiefs. Taurau is Tirarau's brother. These gum-diggers appeared busy. Some were weighing the cleaned gum, others were scraping it, and others casting up accounts or making calculations.

Mr. Fox said that he had called to see them, having come to the district on a visit, and he would be glad to hear any of them who had any remarks to make.

Maunsell said he was very glad Mr. Fox had come to see him. They were all glad to see him, because he had come on the part of the Government and the Governor; and because they knew that he acted on the part of the Europeans and Natives in the Government. They were satisfied from this visit, and from things as they are, that the Governor had kept his promise, and looked after and protected the property of Europeans and Maoris.

Mr. Fox said: I have come up on behalf of the Government to see the faces of the Maoris, and to know them. I have not much to say to you, except that I am glad to see all so busily engaged getting gum, making money, and making yourselves comfortable. One thing I wanted to speak a word about was, the evil word in Waikato. I hear that the great boasting men of Waikato—the men with the big mouths—have been telling great stories, pretending they are gaining great victories. This talk is all foolish boasting; the true story is what I have given you in these papers (narrative of the war). Waikato is gone; you can't find Waikato. Waikato has run away. The men of Waikato have gone to the hills and cannot be found. The Queen's flag is flying at Meremere, at Rangiriri, at Ngaruawahia, and at Rangiawhia. Te Awamutu is taken, and Kihikihi, the place of Rewi, is in the hands of the soldiers. Another thing I wanted to speak to you about is, the foolish story some person set afloat about the Governor coming to take your guns. That is not a true word. That is all a foolish word. Why should the Governor take away the guns of the Governor's friends? It is only when people are so foolish, like the Waikatos, as not to know how to use guns, that the Governor will take them away.

Paul (a chief) said that they had heard the report, but treated it as a rumour merely.

Mr. Fox.—It is a foolish report; the Governor will not take away the guns of his friends. Don't believe any of these foolish stories; but go to Mr. Rogan, or Mr. Walton, or Mr. Mair, and they will tell you the truth.

Paul remarked that a native named Peta heard the rumour from a Kaipara native at Marsh Brown's feast. He heard it, but paid no attention to it.

Mr. Fox then explained to them the change in the law regarding the sale of land, and said that he left Mr. Rogan with them as their magistrate and judge of the land. If they satisfied Mr. Rogan about their title they might sell land to whom they pleased. He was going to leave Mr. Rogan to be the kai-whakawa and land-whakawa for the Kaipara, the Wairoa, and Wangarei, and the country around. Mr. Rogan would live in Kaipara, but would come up from time to time, and he would explain the law and make all things clear to them. There was to be one law for the native and one for the European; and Mr. Rogan would guide them in the right way.

Taurau said he had gone over to Marekura to see Mr. Fox, having heard he was there. He had listened to the talk, but had not then had an opportunity of speaking. Now he would say a few words. Welcome the light of day. Before this he had not seen any member of the Government up this way; it was only now one had come here. There had been no other thought amongst all here than what was from the first; that is, for peace. These are the days of peace and kindness. Mr. Fox had come and found the white men friendly with the Maoris, and the Maoris friendly with the white men. They were as one people. The white men were living on their farms, growing cattle and crops to buy clothing; the Maoris were digging gum in the bush to buy food and clothing. Mr. Fox might have



heard reports that the Ngapuhis were for war, and that they were holding meetings to consider it; but this was not the case. There was one thing, however, if you slap my face I will slap yours (this he repeated thrice). He might be asked why he said this impertinent word. He would explain. When a Maori killed a white woman, he was taken in payment by the law; that was quite right. When a native killed a native, he was taken in payment by the law; that was right. When the law punished every one for doing wrong there was no necessity to look for payment (or to take the law into their own hands); but if the law did not do so, they would take payment. That was not like Maori law, but it was right.

Mr. Fox.—Tell him I quite agree with him, that there should be one law for the white man and one for the Maori. Both should be put under the law. If a white man commits an injury, he will be punished; but the natives must assist the Government in punishing bad Maoris, and the Government will take care to punish a bad European. There was a bad foolish pakeha living at Mr. Thomson's house, after Mrs. Thomson was murdered, and he fired a gun at three quiet Maoris, as he said, to frighten them; and the Government sent out a policeman and took him, and he is now lying in jail to be tried for the offence, and if it turns out that he fired the gun, he will be severely punished. If he had shot the Maori with a bullet from that gun, he would have been hanged for it.

Hori, an assessor from Whakanako, on the East Coast, addressed Mr. Fox, and welcomed him. Although not belonging to the district he wished to say a word. With regard to Waikato, they had nothing to do with it. They were looking at their own side of the question. They were united as one people in the North. If the Europeans whip Waikato it was well, but if not, then the natives must look to see if they would be attacked by Waikato and defend themselves. They were all living quietly, and had nothing to do with what was going on elsewhere; but if the Governor wished to do anything to them similar to what was done in Waikato, of course they would have their own opinions about it.

Paul said that this was the first time he had ever had an opportunity of speaking to a member of the Government. His days had passed, and he had not seen any of them down here. Mr. Fox was welcome; and having seen them, it was for him to say whether they were doing wrong or not. He alluded to the war, and said that if the Waikatos succeed in driving the white men into the sea, the war would end in the north of the island. They would then have to fight. He had seen wars in his time, and he did not like the men who were fighting against the Europeans. Every one knew that the Ngapuhis beat the Waikatos in the old time, and made them hide; but he did not wish the Ngapuhis to go there now, but they wanted to have nothing to do with them. Let the evil be to Waikato. If any injury was done to him, he would not seek to revenge it in these days. Let the law do so. They were all engaged working for their food, and nothing else, and wanted to live peaceably on the land. He hoped Mr. Fox would come and see them again, for when looking on him he knew he was looking on the Governor of the white man and the Maori.

Moses (an old man) said he was glad Mr. Fox had visited them. The thoughts of the people had long been for peace; he had seen enough of wars, and he never knew any good come of them. He had not before heard the true word of the war. The pakeha was a girdle to them; and they would be a girdle to the pakeha. He did not know the tribe that was fighting, nor did he care about them. If they were stronger than the pakeha well and good, they would settle it here. In conclusion, he said that he belonged to the Bay of Islands.

Colenso, Pokeha, Tapera, Parea, and Renata, severally addressed Mr. Fox, welcoming him.

Mitai (Bay of Islands, who attended as native reporter,) said Mr. Fox had come to see them from his love of peace—he wanted to see them all digging gum, and working quietly on the land. He wished to see all the natives in Kaipara and here whom he had never seen before. The father of all the people from Kaipara to Wangarei is to be Mr. Rogan, who would enlighten the natives on the law. The speeches were all very good, and if they had any complaints to make, or disagreement, they must speak of them now. The reports about the guns being taken by the Governor were foolish reports, and instead of believing reports they ought to send to the Governor to see if they are true. He then alluded to the Governors plough in Waikato, and said if any of them did wrong to the pakeha and brought evil on them, it would be their own fault, as the Governor would always protect the lives and properties of those who lived quietly. Let them be strong and hold to what is good. That was what he had to say to them: to listen to the law of God and the law of man. These laws could save them and keep them right; but if they did not hold by the law it would not be well. Look at Waikato. It had a wrong law, and it suffered for it; and if the Ngapuhis died for clinging to a wrong law it would be their own fault. The white people are driving the Waikatos farther and farther back, because they did evil and would not obey the law; but if they did right the Governor would protect them and their property.

Maunsell disclaimed any intention, on the part of the natives in the district, of joining Waikato. They wanted to live quietly, and had no feeling to go to Waikato. There might be different talk in the Bay of Islands, but he expressed the feeling in his district. In Wairoa the head man over the natives was Tiraraw, and he was for peace. He alluded to their employment, and to the daily engagements of the settlers, in proof of the peaceful intentions of the natives; and said the Governor had fulfilled his promise of taking care of the white men and the Maoris.

This brought the meeting to a close.

Mr. Fox and party went into Wangarei on Friday, where he saw a few natives, but no speeches were made. The principal men had been present at Mr. Walton's. He embarked on board the cutter "Petrel" the same night and arrived in Auckland on the following Monday, having been over a fortnight on the tour.

No. 8.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 64.)

Government House, Auckland, May 3, 1864.

(Received July 14, 1864.)

(Answered, No. 80, July 26, 1864, page 65.)

MY LORD DUKE,

I HAVE the honour to transmit for your Grace's information a copy of a Despatch I have received from Brigadier-General Carey.

2. The survivors of the Natives who refused to surrender at Orakau fled after the slaughter in the direction of Hangatiki, in Rewi's country. Brigadier-General Carey allowed a friendly Native to proceed there to communicate with the Natives still in arms.

3. This Native returned upon the 27th of April, and reports that Rewi states that he and all his people are very anxious to make peace and live quietly by the side of the white people, but that he is afraid that he would place himself too much at the General's mercy by giving up his arms; that the Natives captured at Rangiriri had been dealt with treacherously, they having been led to believe that, upon giving up their arms, they would be permitted to go free and live within the lines of the troops; he did not believe that they, the prisoners, were so well treated, or that their lives were to be spared, but if some of them, Tioriori or Takerei for instance, were allowed to come and see them, they would attach great importance to anything they proposed. He also added, that if the Governor should write to him as he had done to Thompson and his people, and be a little more lenient in his offers, he would be inclined to listen; but in the meantime, if any of his people accepted the terms offered, and attempted to pass out of his country, they would, if arrested, be put to death.

I have, &amp;c.

(Signed) G. GREY.

P.S.—Since writing this Despatch to your Grace the letter, a copy of which is enclosed, has been forwarded to me, from which your Grace will find that the Natives distinctly state, that the reason they would not accept the terms offered to them by General Cameron at Orakau was, because they found "they would all be taken to Auckland, as the prisoners were from Rangiriri, and never perhaps be liberated."

His Grace the Duke of Newcastle, K.G.

G. G.

&amp;c. &amp;c. &amp;c.

Enclosure 1 in No. 8.

SIR,

Camp, Te Awamutu, April 28, 1864.

I HAVE the honour to transmit herewith, for the information of his Excellency the Governor, a letter addressed to me by Mr. Mair, interpreter, embodying a statement made to him by Hone-te-One, native magistrate from Kawhia, relative to the result of a visit recently made by some of his people to the place where the Ngatimaniapoto chief Rewi is at present residing.

In reference to my letter of the 21st instant, relative to certain natives from the neighbourhood of Read's Mission Station, I beg to state that the old chief Kingi is very desirous to know the Governor's pleasure regarding him and his people, who are now anxious to join the remainder of their tribe at Kawhia.

I have, &amp;c.

The Private Secretary to  
His Excellency the Governor.

(Signed) GEORGE C. CAREY,  
Brigadier General.

SIR,

Te Awamutu, April 28, 1864.

I HAVE the honour to inform you that the native Pumipi Moke, who was sent by Hone-te-One to the Hangatiki country, returned last evening and reports as follows:—

He was not permitted to see Rewi or any of the Ngatimaniapoto chiefs, the road being guarded by a number of the Ngatihau tribe from Whanganui, who had orders to shoot any one who attempted to pass; but he was allowed to send messages to Rewi, urging him to follow the example of Kingi and his people and accept the terms offered by the Governor and the General.

Rewi answered, that "he and all his people were very anxious to make peace and live quietly by the side of the white people, but he was afraid that he would place himself too much at the General's mercy by giving up his arms," that the natives captured at Rangiri "had been dealt treacherously with, they having been led to believe that upon giving up their arms they would be permitted to go free and live within the lines of the troops." He did not believe "that they (the prisoners) were so well treated or that their lives were to be spared, but if some of them, Ti-ori-ori or Takerei for instance, were allowed to come and see them, they would attach great importance to anything they proposed."



He also added, that "if the Governor would write to him as he had done to Thompson and his people, and be a little more lenient in his offers, he would be inclined to listen," but in the meantime, "if any of his people accepted the terms offered, and attempted to pass out of his country, they would, if arrested, be put to death."

The allies with him at present are the Ngatihau from Whanganui, and a section of the Ngatiporou. They have built a pah, the name of which I have not been able to ascertain, on rising ground at the head of the Hangatiki Valley. It is, I believe, about six miles from Lewis's place (Orahiri), and perhaps twenty-six or thirty miles from this camp. Pumipi informs me that there are no natives living on the river below Lewis's, and that above that place the road is jealously watched by a strong guard of Ngatihau natives, who being southerners would have less compunction in killing any friendly native who attempted to pass without Rewi's permission.

The Brigadier-General commanding,  
&c. &c.

I have, &c.  
(Signed) Wm. G. MAIR,  
Interpreter to the Forces.

Enclosure 2 in No. 8.

Encl. 2 in No.

SIR,

Te Awamutu, April 29, 1864.

I HAVE the honour to inform you that on the return of Hone-te-One from Hangatiki, of which I gave an account in my last communication, his brother Pumipi Moke went to the same place to use his influence with portions of the Ngatihikairo and Ngatihinitu whom he expected to find there; he returned on the 27th instant, and reports as follows:

He was not permitted to see Rewi or any of the chiefs of Ngatimaniapote, the road being barred by Ngatihau (from Whanganui), who had orders to shoot any one who attempted to pass, but he was permitted to send messages, urging them to follow the example of Kingi, Wai Kawau, and Makoara, and accept the terms offered by the Governor and the General.

Rewi, Pikaokao, Wetini, and Hikaka, all spoke to this effect, that they were both anxious and willing to make peace, and live quietly by the side of the pakeha, but they must be allowed to "retain their guns, the muzzles of which they would plug tightly, for they were afraid that if once disarmed they would be completely at the mercy of the General."

They said that the prisoners captured at Rangiriri "had been dealt treacherously with," they having been given to understand that upon giving up their arms they would be permitted to go free, and live within the lines of the troops; whereas they were detained as "prisoners and slaves, and might yet be put to death;" but if the Governor would permit some of them, Tioriori and Takerei for instance, to visit them, then they could see and hear how they had been treated, and would attach great importance to whatever they told them; and if the Governor were to write to them as "he had done to Thompson and his people, instead of sending verbal messages, then they would perhaps believe in the truthfulness of the offers made to them;" but in the meantime, if any one accepted the present terms "they would, if arrested, be put to death."

Rewi's present allies are a number of the Ngatihau, under the chiefs Topini-te-Karamua and Wi Paka, and a section of Ngatiporou under Porourangi and Hoera. They have built a large pa on rising ground at the head of the Hangatiki Valley, some five or six miles above Orahiri (Lewis's place), and I believe some smaller pas on the different roads; the lowest post is guarded by Ngatihau, who have instructions to kill anybody who attempts to pass, and being southerners they would probably feel less compunction in carrying out these orders. They are in constant dread of soldiers appearing in that district.

From the prisoners taken at Orakau, and from other sources, I have been enabled to glean the following information respecting the fight at that place on the 31st March and 1st and 2nd of April.

Rangataua pa appears to have been thrown up at the suggestion of Rewi, who had probably been taunted for not having struck a blow for his settlement of Kihi Kihi, as Waikato had done for Rangiaowhia.

Thompson and his friends being actively employed at Ti Tiki o te Hingarangi (Maungatautari), he sent to Taupo for assistance, and was soon joined by a large party of the Matikiwaho, under the chief Paoratu, Sisson Hone, Matewaia, Hereta, and Haraua, about eighty of the Urinoera under Piripi te Heuheu, Paerou, Wheunanui, and Panu, and a number of Ngatikahununu from the Wairoa under their chief Te Waru; there were also detachments of the following Waikato tribes,—Ngatimahanga Ngatihinetu, Ngahinahutu, Weropoko, and Patupo under the following chiefs: Hone Kingi, Nui Moa te Katea, Manuwao, Potene, Tamati Oporo te Kainga, Meta, and others; these with a few Ngatikohere, some Ngatiraukawa from Arohene, and about fifteen of his own family hapu, made up a force of about 350 fighting men.

It was the intention, if Ngatimaniapoto had joined in any numbers, to throw up a pa on an eminence called Karepmia about 200 yards distant, and connect both works by a line of double rifle pits, the ground was occupied on Monday the 28th March, each tribe or hapu taking up a certain line of works which they afterwards defended.

When they saw the troops coming out against them at dawn on the 31st, they thought it was only a reconnoitering party who would pay dearly for their rashness.

In the assault led by Captain Ring on the first day, they only lost one man—Tiki of Urewera. On the second day, several were killed, including Aporo te Kaingamatu, who had made himself very conspicuous the preceding night, by going round the works constantly, and shouting to the different tribes to "be watchful and brave," and "work hard at the rifle pits," &c.

On both these days a large party of Ngatimahanga and Ngatirapanapa came down from the Maungatautari ranges to the opposite edge of a swamp about a mile distant, and endeavoured by dancing and firing off their guns to draw off the attention of the troops, and to encourage their friends in the pa, who danced in acknowledgment, and tried to persuade them to "come round by the eastward

NEW  
ZEALAND.

through the Titree swamp, where they said there were no troops," and cast in their lot with them in the pa.

On the third day, April 2d, when the sap had approached to within 15 yards of the outer works, General Cameron sent myself and Mr. Mainwaring to them to say that he admired their bravery exceedingly, but that they had better yield, and thus save their lives, for they were completely surrounded by troops, and their escape was impossible. The answer returned was that "they were all of one determination to fight against the pakeha for ever, and ever, and ever." They were then requested to send out their women and children that they at least might be saved, to which they replied that if "the men died the women would die with them." These answers came from the Uriwera who occupied that side of the works, but a discussion was held in the inner redoubt as to what course they should adopt. Upon some one suggesting that they should accept the terms offered, it was answered, "No! or we shall be all taken to Auckland as those were from Rangiriri, and never perhaps be liberated."

Rewi himself proposed that this should be their last fight, and that they should request the General to "march all his troops back to the Awamutu, and that they should pledge their word to follow and lay their guns at his feet, and hereafter trust to the white people for protection." To this the Uriwera (who were evidently the Toa's of this fight) answered that "they would not listen to such terms, and if any one came from the General again they would do their best to shoot him." Rewi then proposed that they should cut their way out, and his brother Raureti said it had better be postponed till night.

When the sap broke through into their outer line of works, a portion of which were at once occupied by troops, they thought the place was being stormed, and the Waikatos who were stationed at the other end, rushed out into the open, but being met by a heavy fire they returned to their post. A short time after this however it was decided that the position was untenable, and as numbers were falling under the heavy fire from the sap and the grenades, they determined to evacuate the pa; Rewi and the principal chiefs (who had not been permitted to take any part in the actual fighting) were placed in the centre, and the whole force, among whom were several wounded, retired steadily, firing to their right and left as they went along to the Titree swamp, about 200 yards distant. It was upon entering and again on emerging from the Titree that the greater number were killed. They then re-entered the swamp, and after following it for some distance towards the Punui River, Rewi with a small party of his people struck off to the left to avoid pursuit, but on reaching the Arowhenua Road, he loaded his double-barrelled gun, and sitting down said that Paereta, Piripi, Hone Kingi, and other Rangatiras were killed, and that he would die too, he was persuaded however to go on. Raureti was wounded in the arm, and his son Parenara, who is a great favourite with his uncle (Rewi), was taken prisoner and gave up his gun to a soldier, but upon another man attempting to bayonet him, he broke away and escaped with a wound in his shoulder, and did not find his people until the third day after.

No attempt has been made by them they say to recover any of the bodies from this side of the Punui, they being too frightened, and they are of opinion that many are still unburied. Rewi sent a message by Hone te One to Brigadier-General Carey to furnish him with a list of the killed and prisoners. He said that he thought about 80 had been killed and 120 wounded, taken prisoners, or missing. Of his own party of about 15, only three or four escaped; his half brother Te Raore was wounded and is a prisoner.

The following chiefs were recognized among the killed, viz., Matawaia of Taupo, Paerata, Hone, Wereta, and Matawaia (Uriwera), Piripi te Heuheu, Paerau te Wheunani, and Paora (Ngatikahununu) te Waru, (Ngatimehanga) Manuwai and Potene (Ngatikowru) and Aporo, Hone Kingi of Waikato is also dead.

Among the prisoners were the following chiefs: Wi Karamoa of Ngatihinetu, Tameti of Ngatimahanga, Te Hoeana of Matekwaho, and Noah (since dead) of Ngatikahununu.

Of the wounded prisoners 11 have died, the others are in a fair way for recovery, and with two or three exceptions are to proceed to Auckland in a few days.

There are six women still here, four of whom will have recovered sufficiently in a few days to proceed to Raglan, where they have been invited by Heteraka Nero.

Kingi Waikawau and his people are still here awaiting the pleasure of the Governor; no more natives have come in since. Fires are occasionally seen in the Rangitoto ranges, but at a great distance, and at a place called Whanaki near the summit of Maungatautari.

I have, &c.,  
(Signed) WM. G. MAIR,  
Interpreter to the Forces.

The Hon. the Colonial Secretary  
(Native Department).

No. 9. No. 9.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 65.)

Government House, Auckland, May 3, 1864.

(Received July 14, 1863.)

(Answered, No. 80, July 26, 1864, page 65.)

Page 66.

perintendent  
McLean to  
Colonial Secre-  
y Napier,  
April 25,  
64.

MY LORD DUKE,

I HAVE the honour to transmit, for your Grace's information, copies of letters I have received from Hawke's Bay, informing the Colonial Government of the precarious position in which that Province is placed, and the danger which now threatens it, some of the interior natives openly threatening to invade it. The local authorities in consequence



call upon the Government for reinforcements, which at the present time we are unable to afford them.

I will shortly address a Despatch to your Grace, explaining what I think should be done to meet the difficulty which has arisen in that quarter; but in the meantime, in order that you may be fully informed of what is passing here, I thought it right to transmit the intelligence I have enclosed.

His Grace the Duke of Newcastle, K.G.  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

NEW  
ZEALAND.  
Colonel  
G. S. Whitmore  
to Colonial  
Secretary  
Napier, April  
26 1864.  
Colonel  
G. S. Whitmore  
to Mr. Russell  
Napier, April  
26, 1864.

Enclosure 1 in No. 9.

Encl. 1 in No. 9

Sir,

Superintendent's Office, Napier, April 25, 1864.

A REPORT was brought to Napier on Saturday last, that the Ngatihineuru of Tarawera, aided by the Chief Pohipi, are threatening an attack upon Napier, and that they were making cartridges and other preparations for this purpose.

I was for some time indisposed to believe that Pohipi would have shown his present disposition against the European population, as he has been hitherto regarded as a friendly chief, but both Major Whitmore and myself have been assured that he is not now to be relied upon.

In the event of a party being organized to invade this Province, it is satisfactory to find that the Heretaunga natives might be relied upon to co-operate with us in defensive measures.

I quite concur in opinion with the Civil Commissioner that it would be judicious to take advantage of this feeling to provide for the organization of a native force, more especially as a means of diverting their thoughts from the excitement on disturbed times, as well as to aid the insufficient force now disposable for the defence of this district.

Rumours of a disquieting kind from the Wairoa and elsewhere are rife throughout the Province, and very considerable uneasiness and anxiety is felt.

I trust that the exposed and precarious position in which this Province is placed will not escape the early consideration of his Excellency's Government.

The Honourable Colonial Secretary,  
Auckland.

I have, &c.,  
(Signed) DONALD McLEAN,  
Superintendent.

Enclosure 2 in No. 9.

Encl. 2 in No. 9.

Sir,

Civil Commissioner's Office, Napier, April 26, 1864.

SINCE the date of my last report nothing has occurred of a hostile character in the intercourse between the Natives and Europeans of this Province, but I regret to say that the gulf which separates the two races is becoming wider every day. I am aware that several of the younger and worse disposed of the Natives have gone to the war, to Tauranga I believe. The behaviour of their neighbours Ngati, Uriweras, and the few Wairua men at Orakau, has stimulated the hotter headed of the young men to seek an opportunity of emulating their example.

The Tarawera natives are preparing to take the field. Kipa and his Hapu have voluntarily taken the oath of allegiance, and in token of submission Kipa gave up a pistol of some finish which he had.

These natives now desire to give up their powder and ball.

Tareha and Renata desire with all sincerity to restrain their younger men, but I begin to doubt their succeeding much longer.

It is reported to me that 150 of the Upper Wairoa men, whom I some time since deterred from joining the rebels in arms, have now marched on Tauranga, and that Kope te Pitehera has followed them to endeavour to recall them.

It is a noticeable fact, perhaps without much significance, that the Maories of this district "play at drill;" that is to say, the boys and younger men dress themselves like Defence Force Troopers, and get a small boy to drill them on foot. It is a matter of small moment in one sense, for were they drilled they would be far less formidable opponents; but it shows the bent of their minds. It is a game very often played.

The blockade of the coast seems very much felt as a grievance. However, the order has lately arrived, and I have not yet explained to the natives its meaning and necessity.

I must, in conclusion, say that I think some steps will speedily become necessary to add to the defence of this district, unless by a happy turn of events the native mind should alter its tone or present direction of thought.

Perhaps, and not improbably, a large native contingent might now be formed, and thus something else would offer them the excitement they now desire. Tareha indeed wishes vehemently to attack the Ngatimaniapoto, but I think he would not succeed in raising a force for that purpose, though he certainly would if Pohipi of Tarawera and Taupo succeeds in raising a war party to invade Hawke's Bay. I confess the conduct of the last-named chief astonishes me. I had always regarded him as a friendly native; now, however, he is certainly openly preparing and seeking allies to invade this Province.

Should matters become worse, and should I see that an invasion is almost certain, I should feel obliged by your informing me whether I might raise a native contingent among Taraha's followers. If this course is taken I think that a very useful body of natives could be got together, who are willing

NEW  
ZEALAND.

enough to espouse their own chief's personal quarrel with Pohipi, for such it is I believe, though I asked to take up arms against the Waikatos they probably might decline.

In the broken and wooded country of the dividing ranges between Sitiohura and Lake Taupo, a country which I am aware you know, a native auxilliary force might carry out operations which regular troops might find it difficult to accomplish.

At all events I would feel much obliged by your informing me whether, if it becomes necessary to call out the Militia of the Province for actual service, in consequence of the darkening prospect of affairs, it would meet the views of Government that I would desire Tareha to raise a force for us, to be maintained by us, and to fight for us. As regards the system of organization, pay, and armament, though I will cheerfully make the best provision in my power, the Government must be better able to decide than I am, for there are doubtless precedents with which I am not acquainted for such a course. In any case I fancy no arms, uniforms (except possibly distinctive caps or other decorations), or in the first instance at all events ammunition, would be needed. If their worth was proved by good service, the Government would probably deal liberally in all such matters.

I have, &amp;c.

(Signed) G. S. WHITMORE, Col.,  
Commanding.

The Hon. Col. Secretary.

Encl. 3 in No. 9.

Enclosure 3 in No. 9.

SIR,

Napier, April 26, 1864.

In my Despatch to the Honourable the Colonial Secretary I pointed out that the position of this Province was becoming precarious. I regret that such is the case, and that I do not feel sure how soon some unmistakeable symptom may show itself.

In the meantime I shall endeavour to show a certain front by collecting such available force as is at my disposal on the side from which danger apparently impends. I am, however, in great doubt how to manage with the military settlers, for whom no tents are available here. On the last occasion, when I raised the Defence Force, I ascertained that no tents could be got in Auckland, and swept the military store of every old unserviceable tent they had. This served as a sort of covering, but there is no building or tent whatever to be got now, and I really cannot obtain more than three tents anywhere; any old tent obtainable at Auckland would under such circumstances be an advantage. As regards blue shirts and forage caps, and a few blankets, these I have. I believe the whole of the settlers will be here in a few days; and if I make the best arrangements I can, I feel confident the Government will not be dissatisfied, though as early as possible I hope to be assisted with some camp equipage. There can be no doubt that this reinforcement, insufficient perhaps for all purposes of defence, and indeed necessarily less than, but for the state of the country, the Government would have been disposed to afford, is still a most welcome and seasonable one. I trust that, should matters not improve, the Government will be prepared to add to this force, or to send some other kind of troops to this Province.

The news of the fighting at Tauranga, the publication of the blockade, and the story of Orakau have created much excitement in the Province. A hitherto friendly chief has declared himself a King Maori, and is openly preparing to invade us. The natives resident between his location and our Province, fearing to be compromised, have taken the oath of allegiance; and one of the most influential chiefs here has informed us that he knows what is going on, and that he has sent to say he will fight on our side if it is not at once stopped.

In conclusion, and with regard to the settlers, I beg to observe that Major Douglas declines to allow them to be provisioned by the Commissariat. This places me in an embarrassing position. I have tenders for their supply, but still hope to persuade Major Douglas to order their subsistence by the Commissariat. Thirty of the ninety carbines and pistols for the armament of the Volunteer Cavalry have reached me; I presume the remainder will come down by an early vessel. I am anxious that the Militia may be called out once a fortnight for training, in order to preserve their arms in serviceable order and to maintain their efficiency.

I have, &amp;c.

The Honourable  
The Secretary for Colonial Defence.(Signed) G. S. WHITMORE,  
Commanding Colonial Forces, Hawke's Bay.

No. 10.

No. 10.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 66.)

Government House, Auckland, May 4, 1864.

(Received July 14, 1864.)

MY LORD DUKE,

(Answered, No. 80, July 26, 1864, page 65.)

Col. Warre, C.B.  
to the D. Q. M.  
General, New  
Plymouth,  
May 1, 1864.

I HAVE the honour to enclose, for your Grace's information, a copy of a Despatch from Colonel Warre, C.B., commanding at Taranaki, containing a report of a very successful affair, in which a detachment of the 57th Regiment, under the command of Captain Shortt, of the same regiment, on the 30th of April, repulsed a large body of



Natives near New Plymouth. The native loss was very heavy, whilst upon our side only one man was wounded.

2. I have no doubt that Lieut.-General Sir D. Cameron will, as soon as Colonel Warre's report reaches him, bring under the notice of the Secretary of State for War the gallantry displayed by Captain Shortt, 57th Regiment, and of the officers and men under his command, in this well-conducted engagement.

I have, &c.

His Grace the Duke of Newcastle, K.G. \_\_\_\_\_  
&c. &c. &c.

(Signed) G. GREY.

Enclosure in No. 10.

Encl. in No. 10.

SIR,

New Plymouth, May 1, 1864.

I HAVE the honour to report, for the information of the Lieut.-General Commanding, that at an early hour yesterday morning, I received information by telegraph from Sentry Hill that the rebel Maories were in unusual numbers, dancing their "war dance," within a short distance of the redoubt; and shortly after another telegram informed me that they had, with a courage proved by their severe loss, advanced boldly to the attack. I immediately ordered reinforcements from town, and proceeded towards the scene of action. On reaching Mahoetahi, I was informed by

100 of 57th Regiment.  
100 of T.R.V.

Major Butler, commanding the outposts, that the attack had been most successfully repulsed by Captain Shortt, and by the small garrison at Sentry Hill under his command, and that although Major Butler, with a reinforcement from the Regular and Militia Forces from Mahoetahi, and one 12-pr. howitzer, had immediately proceeded to Captain Shortt's assistance, the rebels were already driven back, and it only remained for Major Butler to give directions to collect the killed and wounded; (34) thirty-four of whom, scattered at different distances, and one within fifteen yards of the redoubt, were brought in; and nearly double that number, as is stated, were wounded, and carried away by their comrades.

1 12-pr. Howitzer.  
25 of 57th Regiment.  
80 of Militia.  
Lieut. Larcom, R.A.  
Ensign Douglass, 57th Regiment.  
Captain Brassy, T. M.

On reaching Sentry Hill I had great satisfaction in witnessing the result of this most successful engagement, in which we had only one man wounded; and as I had taken on the friendly chief Mahau, and one or two other influential natives, I was able through Mr. Parris to identify several of the principal chiefs killed; among whom, by the enclosed report, the Lieut.-General will be glad to observe the names of Parengi Kingi, Manaihi, and some of the most troublesome and warlike of the neighbouring tribes.

On Captain Shortt hearing the Maories in the adjoining bush, he, without the slightest noise or evidence of his watchfulness, fell in the men of his detachment at their appointed stations, and made them sit down on the Bauguette, with strict orders not to show themselves, or to fire until they received the order to do so. The Maories (reported by the prisoner as over 300 in number) advanced to within 300 yards of the redoubt; they hesitated, evidently startled by the unexpected silence, then approached a little nearer, and some more bold than the others rushed forward. Captain Shortt called upon his men to stand to their arms; and a succession of volleys, with an occasional shell from the small 4½-inch cohorns by which the redoubt was defended, stopped the Maories in their advance; they hesitated, broke and fled; leaving, as above stated, upwards of thirty killed and several wounded, while numbers were seen to fall, and to be dragged off by their comrades. Major Butler, with the reinforcement from Mahoetahi, followed up the pursuit, but the bush offered facilities for escape, and the weakness of his force prevented his attempting to gain any further advantage.

It was too late to do so upon the arrival of the two hundred men from town (nine miles distant), and I then determined that it would be better to await the reinforcements, for which we have so anxiously looked, than to attack an enemy whose strength was unknown, and who had reached the cover of his intrenched position at Manutahi. In this decision Majors Butler and Atkinson cordially coincided, although I fear it must have greatly disappointed the eager but small force under my command, who, flushed with the morning's success, would have doubtless driven the enemy from both the positions at Mataitawa and Manutahi; but I should have been obliged immediately to withdraw, as I have neither men to garrison nor transport to supply any new outposts.

I need scarcely take the liberty of recommending to the Lieut.-General's favorable consideration the excellent conduct of Captain Shortt, commanding the detachment, and of Lieut. Waller, 57th Regiment (in the absence of Ensign Down on temporary leave), the only two officers in the redoubt. Captain Shortt the Lieut.-General will kindly recollect recommending for the "Victoria Cross," for his gallant conduct in storming the enemy's position on the Katikara river on the 4th June 1863; and Lieut. W. Waller was brought to the Lieut.-General's notice in May last, when, having fallen alone into a native ambushade, after his horse was shot, he beat off seven natives, and with his revolver wounded "Hori," who was afterwards taken prisoner and tried.

To the conduct of the above officers, and to the steadiness and strict attention to orders (as reported to me by Captain Shortt) of the non-commissioned officers and men in the redoubt, I must attribute the excellent result of this engagement, which has entirely restored the confidence, for a moment shaken, by the unfortunate disaster at Ahuahu. Our vengeance has been at least five-fold; and to show how we appreciated the desperate gallantry of the natives I sent to offer to return to them their dead, but they had not courage to send for them, and they were buried near the redoubt.

Major Butler and the officers and men placed in support at Mahoetahi promptly responded to Captain Shortt's application for assistance, but too late to render any effectual aid.

The men of the 57th Regiment, under Captains Stuart and Schomberg, and the Taranaki Rifle Volunteers and Militia under Major Atkinson from Town, were equally zealous in marching rapidly to the scene of action.

NEW  
ZEALAND.

Assistant Surgeons Tomlinson (staff) and Spence (T. M.) were in attendance upon the wounded prisoners, two of whom died shortly after removal to Mahoetahi. The other, Hoera Piriri, (brother of Manaihi, the murderer of Mr. Ford and the other settlers,) a native of this town, is now in hospital severely wounded in three places. He awaits with the other prisoners now in gaol the orders of Government as to their disposal.

I have the honour, &c.  
(Signed) H. J. WARRE, Col.,  
Commanding Troops in Taranaki.

Deputy Quarter-master General.

3rd May, 1864.

P. S.—I have, since writing the above report, ascertained that although only 300 rebel natives advanced to the attack of the redoubt, they had a support of 300 in the adjoining bush on the Waiongana River, and that about 200 were left at Manutahi, ready as a reserve in case we should have attacked them, as they expected, on the open ground, and driven them back upon their entrenched works.

(Signed) H. J. WARRE, Col.

# NOMINAL RETURN of the Wounded of the Troops at Sentry Hill on the 30th April 1864.

| Corps. | Regt. No. | Rank and Name. |               | Years of |          | Date of Death. | Place of Death. | Nature of Injury.             | Result. | Remarks. |
|--------|-----------|----------------|---------------|----------|----------|----------------|-----------------|-------------------------------|---------|----------|
|        |           |                |               | Age.     | Service. |                |                 |                               |         |          |
| 57th   | 506       | Dr.            | Daniel Hurley | 18       | 4        | —              | —               | Gunshot wound, left shoulder. | Severe. |          |

(Signed) H. J. WARRE, Colonel,  
Commanding Troops, Taranaki.

(Signed) J. E. YOUNG,  
Staff Surgeon.

# NAMES of REBEL NATIVES identified among those killed (33) at Sentry Hill on 30 April 1864.

| Tribe.              | Names.                        |            | Remarks.                                                            |
|---------------------|-------------------------------|------------|---------------------------------------------------------------------|
| Taranaki            | 1. Parenga Kingi              | - - -      | Head chief.                                                         |
|                     | 2. Penaha, Phineas.           | - - -      |                                                                     |
|                     | 3. Hoani, John                | - - -      | P. Kingi's wife's brother.                                          |
| Ngamotu or Moturoa  | 4. Manaihi, -                 | } Brothers | { Murderers of Ford, &c. Signed oath of allegiance, 1860.           |
|                     | 5. Wi Patene,                 |            |                                                                     |
| Ngatiruanui         | 6. Rawiri Te Raugikaharea     | - - -      | Son of (chief) Hori Pakeke, a Ngatiruanui chief.                    |
|                     | 7. Trinoti Te Kikihu          | - - -      | Brother-in-law of Rawiri.                                           |
|                     | 8. Tiopira                    | - - -      | Son of Tamati One the Kaitake chief.                                |
|                     | 9. Tupara Keina (Tubal Cain). | - - -      | Chief of Mahoetai, a large landowner.                               |
| Ngatiana, Puketapu  | 10. Hoani Pirinia             | - - -      | Eldest son of Tikiku Pupitapu chief.                                |
|                     | 11. Meihana Te Whitu          | - - -      | Chief.                                                              |
|                     | 12. Hapati                    | - - -      | Brother of the wife of Mr. Watt, res. lent magistrate in Southland. |
|                     | 13. Whare                     | - - -      | Half Waikato, half Ngatiawa.                                        |
|                     | 14. Timoti Te Arahī           | - - -      | Priest and Hua native (Bell Block).                                 |
| Ngatiawa, (Waitara) | 15. Hakopa Te Whare           | - - -      | Mataitawa native.                                                   |
| Moturoa             | 16. Hare Okai Te Paea         | - - -      | Wm. King's fighting chief.                                          |
|                     | 17. Hoera Piriri (Big Joe)    | - - -      | Manaihi's brother, a prisoner in hospital. (wounded).               |

(Signed) H. J. WARRE, Col.,  
Commanding Troops, Taranaki.

(Signed) R. PARRIS,  
A. N. Secretary.



No. 11.

COPY of a DEPSATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

NEW  
ZEALAND  
No. 1

(No. 67.)

Government House, Auckland, May 5, 1864.

(Received July 14, 1864.)

MY LORD DUKE,

IN compliance with the wish of my Responsible Advisers, I have the honour to transmit the enclosed copy of a Memorandum which they have prepared in answer to an address which was transmitted to me in relation to the war now unhappily prevailing in New Zealand.

I have, &amp;c.

(Signed) G. GREY.

His Grace the Duke of Newcastle, K.G.

&amp;c.

&amp;c.

&amp;c.

## Enclosure in No. 11.

Encl. in No.

## MEMORANDUM for his Excellency the Governor.

1. Ministers have received a copy of the letter addressed to his Excellency the Governor by Lord Chichester and several other gentlemen connected with the "Aborigines Protection Society" in London, relative to the "war which is now raging in New Zealand between the Maoris and their English rulers," on which they beg to make the following remarks.

2. The only two points in the letter which appear to call for any remark are, first, the hope expressed that his Excellency the Governor "would avail himself of the first favourable opportunity of endeavouring to terminate the war by negotiation, and especially that he would listen to any overtures of peace which any of the natives who have taken up arms might make;" and, secondly, a protest against the confiscation of the lands of the rebel tribes.

3. With regard to the first of these points, Ministers regret to state that down to this date the rebels have not, as a body, nor have any leading tribes made the smallest overture of peace. At the commencement of the present unhappy struggle, they appear to have entertained a firm conviction that they could drive the Europeans out of this island, and they commenced by a desperate attack upon Auckland, the seat of Government. Early in the struggle, Thompson, who may be regarded as the leader of the rebel party, announced in writing under his own hand, his determination to carry the war to the utmost extremity, "not even sparing unarmed persons." Acting in this spirit, the Maories threw themselves into the heart of the settled districts of the province of Auckland, murdering and destroying the settlers within 17 miles of the town, cutting down the Government flagstaff at Manukau, the western harbour of the city of Auckland itself, and driving from their farms and homesteads a tolerable dense population of agricultural settlers, over the space of some 20 miles square. So sudden was their onslaught, and so completely did they succeed in getting possession of the country close around Auckland, that it was not till after the fall of Rangiriri, five months at least after the commencement of the struggle, that they were driven back and routed out of the wooded ranges, to such an extent that even the city and immediate suburbs of Auckland could be considered safe. Since that period they have been driven or escaped from one stronghold after another, till they have been compelled to evacuate the whole of Waikato proper; they have retreated before our troops to a distance of 120 miles from Auckland, and their main body is understood to be broken into two or three sections, the principal of which appears to have descended upon Tauranga in the Bay of Plenty, where, with the resident rebels of that district, they are again defying the British troops, and throwing up aggressive works within a distance of three miles of our posts.\* During all this time they have not as a body shown the smallest symptom of any desire to terminate the war, nor have they made any overtures of peace. On the contrary, they continue to make the most strenuous efforts to recruit their forces by enlistment among the east coast tribes, whom they encourage to join them by the most monstrous falsehoods, which are circulated by express authority of Thompson and the other leaders, and by means of which they have hitherto succeeded in deluding considerable numbers into the belief that the rebellion has been successful, and that they have only to join it to see the final establishment in triumph of the Maori king. (See Appendix A.)

It is a well known fact that in their inter-tribal wars the natives invariably regard any overtures of peace as a sign that the party who makes it is beaten, that it is an acknowledgment of defeat. It is a matter, therefore, of the utmost delicacy to initiate such negotiations, as nothing could be more fatal to the prospect of actual peace, than that the rebels should be able to announce to the distant or non-committed tribes that we had placed ourselves in that position. Such tentative efforts in that direction as the Government has thought it prudent to make, have at once been seized on by Thompson as indications of weakness, and he has on various occasions encouraged his followers (and no doubt it has operated to keep them in arms), by assurances that "the governor and general are now suing for peace." The time however has now arrived, when by the fall of Maungatautari, the last of the fortified strongholds of Waikato, the conquest of that district and its inhabitants is practically complete, though the latter may no doubt still carry the war into other parts of the island, as they are doing at Tauranga. Still the event referred to seemed to ministers to afford a fair opportunity for making a general announcement of the terms on which the rebellion might be terminated, by the issue by his Excellency the Governor of a Proclamation; and Ministers have accordingly advised his Excellency to issue one, the terms of which have been settled by them after much earnest thought and discussion.

\* Since this was written they have there repulsed our troops, with a fearful loss of life on our side.

NEW  
EALAND.  
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While such has been the action of the Government in reference to the rebels as a body, the door has never been closed against such individuals as might be desirous of laying down their arms, or returning to their allegiance without any personal punishment whatever. Numerous efforts have been made by the Government to induce them to do so. On the 16th December last, immediately after the capture of Ngamawahia (the king's palace), a document was sent to the rebels, in which their principal chiefs were invited to visit the Governor, in order that they might learn the future intentions of the Government towards them; and they were distinctly assured under the hand of the Governor, that if the rebels would give up their arms they would not be made prisoners, nor be in any way molested in their persons for any part they might have taken in the present or any former war. On the 6th January last, the Colonial Secretary issued instructions to the Resident Magistrates as to the course to be pursued towards rebels who might surrender, and an abstract of these instructions was circulated, and has been kept before the eyes of the natives in every part of the island. The terms have been generally admitted, at least by those not actually engaged in hostilities, as extremely fair, and a very considerable number of rebels have actually come in under the terms offered, given up their arms, and signed a declaration of allegiance.

On the 30th March last, immediately previous to the evacuation of Maungatautari, William Nero, a friendly chief of the highest rank, closely related to the leading rebels, informed the Colonial Secretary personally and by letter, that he had reason to believe that the rebels were desirous of making peace, but were deterred by the fear that their leaders would be hung; and he suggested that he might be allowed to proceed to the rebel camp in order to disabuse their minds of this supposition. The Colonial Secretary at once acquiesced in the proposal. (See correspondence appended, Appendix B.) Nero proceeded on his mission but entirely failed, not even an interview being granted with the leading chiefs. Two or three men of rank, whom he persuaded to come in and sign a declaration that in two days they would bring in all their tribe, left again on the following day under pretence that they would return with all those people, amounting to some 200 souls. They did not, however, even return themselves, but very adroitly contrived to thrust upon us some 60 or 70 women, children, and decrepit old men, who were a burden on their commissariat, and an impediment to their movements. This was all that was gained on our side by this well-intentioned but certainly not very successful attempt to remove what was believed by some to be the only obstacle to the restoration of peace. It should be observed also, that during these negotiations Thompson by letter addressed to Nero affected a great desire to see peace restored. Yet, at the very moment he was writing such letter he appears to have been organizing a new campaign.

Ministers repeat that in their opinion the very greatest caution ought to be exercised in pressing the natives to come to terms. Every one who knows the Maori must know, that even in the ordinary business of life, any exhibition of anxiety to get him to do any thing is the certain way to make him hang back from doing it; his mind, cunning and suspicious beyond that of most races, inferring at once that such anxiety is a sign of weakness on the part of him who shews it, and that by standing out he can obtain his own terms, however extravagant or unreasonable. On the other hand, Ministers have entire faith in the natural results of an actual defeat of the rebel armies, enforced with prudence, with firmness, with mercy; and on such broad general principles as may operate, not on the mind of one individual here and there, but on the feelings and sentiments of the entire nation, both that part which has been engaged in active hostilities, and that which has not.

And it must be borne in mind that this latter portion of the native community is to be considered in what is done, equally with the actual rebel. It would be of little benefit to patch up peace in Waikato, if rebellion were by that to be encouraged in Cook's Straits, or at Ahuriri. Waikato has been and is the head of the rebellion, and the neck of it must be broken there. If a final, permanent, and complete subjugation of Waikato is effected, this will in all human probability be the last instance which will occur of any combined resistance to British authority and British law. If in our anxiety to spare the erring Maori race, we press and persuade them to come to terms before they are really convinced of our superiority, and before we have taken those material guarantees for the future which it is contemplated to take, we shall to a certainty have at some future day to repeat the lesson which we are now endeavouring to teach. If the present struggle should be terminated without completely convincing the Natives all throughout New Zealand, of the folly of trying their strength against the Europeans, and without a sufficient material guarantee being taken, new outbreaks will undoubtedly occur from time to time, which can only end in chronic hostility of the race, and wars of extermination. The only hope of saving a remnant of the Maori race is the termination of the present struggle by their full acknowledgment of their mistake, their full acceptance of its consequences and submission to the supremacy of law; it will not be done by treaties of peace which might leave the impression that they are an independent people, or at liberty on any future imaginary *casus belli* to take up the sword.

In concluding this part of their remarks, Ministers would observe that no time has yet been allowed for the results of the late campaign to bear their natural fruit. It is only three weeks since the final blow was struck in Waikato by the capture of Orakau and evacuation of Maungatautari.\* The mind of the rebel cannot yet have fully realized to itself the magnitude of the defeat and its consequences; at all events it does not appear to have done so. A little patience on our side may, and there is little doubt will enable us to reap the fruits of the late costly military operations, while, as already hinted, undue pressure brought to bear on the natives to induce them to come to terms, or undue anxiety exhibited on our part to escape the prolongation of the war, will probably have exactly the reverse effect to that which is intended.

One thing must be borne in mind, this is not a war between two independent nations, living on separate territory, perhaps hundreds of miles apart. When this rebellion is put down, we have to govern the Maori, to re-instate him in our community, to live with him, to come under numerous mutual responsibilities, social and political. A war simply between independent nations involves no such consequences, and may be terminated on a very different basis; whilst its termination may be brought about by negotiations which would be very unsuitable means by which to terminate a struggle of the sort which exists in this colony.

\* Since which we have been engaged in fresh hostilities at Tauranga and Taranaki.



4. As regards the question of the confiscation of Maori lands, against which a protest is raised, Ministers beg to make the following observations:—

In the first place, it is a custom which has been always recognized by the Maoris themselves. In their wars, a conquered tribe not only forfeited its lands, but the vanquished survivors were reduced to a tributary position, and large numbers to personal slavery. The Government of New Zealand has always recognized such a title as valid. The Waikātos themselves were paid by Governor Hobson for such a proprietary right over the district of Taranaki; and a very large proportion, if not an actual majority of the purchases of land from the Maoris in various parts of the island have been made on the basis of a recognition of this right of conquest. There is therefore nothing in the course proposed abhorrent to the moral sense or previous habits of thought of the Maori race. (See Appx. C.)

In the second place, they never do consider themselves conquered unless their lands are taken. In previous wars between the British Government and the Maoris, which were not followed by confiscation, friendly Maoris have expressed their surprise at our moderation. "What is the good," they have said, "of taking the man? You should have taking his land, then that work would have been finished."

In the third place, when the struggle began, the Maoris openly avowed their intention of taking the land and farms of the Europeans, when they should have driven us into the sea. It was not uncommon even before the war commenced, for some of the more insolent to come to a settler's house, and after looking the place over, to say, "Ah, this house will suit me very well; that room will do for my wife, that shall be my bed, wait a little; by and by you will see." An instance of this is within the personal knowledge of a minister. The feeling was general among the tribes which engaged in or sympathized with the King movement, after it assumed an aggressive character, hostile towards the European occupation of the colony.

Fourthly, the chief object of the Government is, however, neither punishment nor retaliation, but simply to provide a material guarantee against the recurrence of those uprisings against the authority of law, and the legitimate progress of colonization, which are certain to occur if the rebel is allowed to retain his lands after involving the colony in so much peril, disaster, and loss. The Natives are fond of war, as almost their only source of excitement. The practice of incessant hostilities with each other for centuries has become a second nature, and though circumstances have to a great extent suspended the operation of their military impulses for some few years, they have neither lost their skill in fighting nor their taste for it. If they can have the excitement and many advantages of a summer's campaign when it pleases them, with liberty to retain their lands when it is over, without suffering any losses except their wretched dwellings and a season's crops, while the colony is nearly broken down by the losses and cost of the war, they will not easily be deterred from renewing hostilities. Mere defeats in the field will not deter them. There must be some more substantial and material guarantee. The guarantee which the Government has proposed is to introduce colonists, chiefly direct from Great Britain, into those districts now sparsely inhabited by the rebels, and from which they make their inroads into the settled districts. It is only on the lands of the rebels, at least in Waikato, that population can be so established; but it is not, and never has been proposed to leave them without an ample quantity of land for their future use and occupation. A quantity much larger per head than the average occupation of Europeans in this island is proposed to be set apart for them, on a graduated scale according to rank and other circumstances. These lands would no longer be held under the pernicious system of tribal right, but as individualized properties under the security to each proprietor of a crown grant. Ministers believe that nothing has been or can be more pernicious to the native race than the possession of large territories under tribal title, which they neither use, know how to use, nor can be induced to use. It has in the opinion of Ministers been the principal cause of the slow progress and in some respects (particularly their physical condition) of the actual retrogression and decay of the race; and though, while the Maoris acknowledged the supremacy of a protecting government, and professed submission to law, it was just to respect those semi-feudal proprietary rights which they declined to surrender, yet now that they have abandoned their allegiance, renounced all submission to law, and staked their all against our all, there seems no longer any reason for respecting privileges which are believed to be equally injurious to their moral, social, and political condition. In the present state of this colony it is not a question to be argued by reference to the rights of the Maori in times past, when as an independent people they were recognized as competent to surrender or retain whatever power or property they might please. It can scarcely be held that after the events of the last year, the rebel Maori is entitled to take this position. On the other hand, the struggle has become one for the bare existence of the colony, which though now apparently secured for the time by the result of the late campaign, but still only held by military posts, it is no less the duty of the Government to take such precaution as may prevent its being again imperilled. The deliberate and almost unanimous opinion of both Houses of Assembly determined the course of action in this matter which forms the basis of the policy of the ministry in reference to the confiscation of the lands of those who have been engaged in rebellion. The deliberate opinion of Ministers is, that to terminate the present insurrection without confiscation of the lands of the rebels, making of course ample provision for their future, would be to surrender every advantage that has been gained, and practically to announce that British rule over the Maori race must cease, and the northern island be abandoned as a safe place of residence for Her Majesty's European subjects.

WILLIAM FOX,  
5th May 1864.

#### Appendix A.

EXTRACT from a Letter from the Bishop of Waiapu, dated Tauranga (Poverty Bay), April 15th 1864.

"The reports which are conveyed are of the most absurd character, such as you have had instances of in other quarters; that the losses sustained by the soldiers are something enormous; the Queen will not send any more soldiers; that England is at war with America and Russia, and other parts of the world; that the soldiers have been driven out of Rangiriri and Meremere; that Auckland is nearly

depopulated; and that the natives of the coast have only to go there and take possession. The latest accounts which arrived while I was at Waiapu, spoke of 150 of Ngatiwhakane\* being killed, and the coast natives were invited to go and finish the rest, and drive away the soldiers from Maketu and Tauranga. It was to little purpose that I explained the onward march of the troops to Awamutu and Maungatautari; my story was all English and one sided. I pressed upon their attention the assurance of the Governor, that the lands of the natives who remain quiet will not be interfered with, but that those who go to fight will lose their land. Those who are gone to Waikato, have held out threats against all who remain at home; that on their return from destroying the 'Pakehas' they will serve them in like manner, because they would not join with them."

EXTRACT from a private Letter from a Missionary on the East Coast.

"The most absurdly exaggerated reports are in circulation about our losses at Waikato. When the poor 'Avon' (steam transport on the river) was injured, she had on board 1,000 men, all of whom perished! The general must have more lives than a cat. He was killed at Waikato, and 20% taken out of each of his boots. He went into disguise as a minister to one of the pas (I think Paterangi), the bell was rung, and he took his station in the pulpit, but counted each person as he entered. As the Karakia (Church service) was proceeding, a Maori noticed some part of the uniform under the surplice; the alarm was given, and the unfortunate general was despatched. There are several other stories of the same character flying about, which are all implicitly believed."

EXTRACT from a Letter written by W. Thompson to Natives on the East Coast, professing to report the engagement at Rangiaohia. (The actual loss to the Natives was above 100, and only one horse is said to have been killed on our side.)

"These tribes then went on, and came to close quarters, the one with the bayonet, the other with the tomahawk. Twenty of the Pakehas fell. It was a hand-to-hand fight. Then came the cavalry. They now came upon our party. I called out "Fire!" One volley was fired, and every horse was killed, not one escaped. There was an end. Ngatiraukawa lost three, Urewera two, Puwharetoa two, and Rangiwewehi one.

"These were all our dead; as for as the Pakehas they had the bed of death to themselves.

"The general has proposed to make peace. It is ended.

"From WI TAMEHANA."

EXTRACT from Private Letter from Cook's Strait.

"A man from Rangiaohia (Waikato) has come here \* \* \* He has damaged his cause by exaggerated statements, among others that 1,500 soldiers were killed at Rangiaohia, and that Bishop Selwyn was now second in command, and rode about with a sword at his side."

Appendix B.

Correspondence between W. Nero and Mr. Fox.

Auckland, 30th March 1864.

O, friend! O, Mr. Fox! This is the cause of my thoughts which caused me to speak of our going to Wm. Thompson and the chiefs of Waikato, namely, their desire to come towards life (meaning to leave off fighting), also to give up their guns, cartouche boxes, and other munitions of war. The only reason for delaying (carrying into execution) these thoughts is fear lest, after having given up their weapons, Wm. Thompson and Matutaera should be seized and hung. That is their fear.

Therefore I reflected and said, let me go to inspect these words, that I may see the truth of their words, or the falsity. If I see that it is true (as stated), I will let you know.

Enough from your friend,  
(Signed) W. NERO.

FRIEND WM. NERO,

Auckland, 31st March 1864.

I HAVE read your letter in which you say that the road to life for Wm. Thompson and the chiefs of Waikato is stopped because they are afraid if they give up their weapons Wm. Thompson and Matutaera will be hung, and you ask that you may be allowed to go to tell them whether this thought is true or false.

Friend William, great is your love for Waikato to save those men from destruction. This is good. The Government also desires that they should not perish. But that thought of theirs is wrong altogether. The word of the Government is that all will be spared if they lay down their arms and agree to live under the Queen's law. Their land will be gone to the Queen but they will be allowed enough to live on well; a Crown grant will be for each. This word is for Matutaera, for Tarapipipi, for all Waikato, none are excepted but the murderers. Let not these men then be afraid. But let them be quick in giving up their arms, for otherwise the general will not be held in; he will go on till the arms of the rebels are laid down.

This is a true word, now if you like to go, go. If you will not go, that also is well. This is that your love for Waikato may save the lives of these men, of Matutaera, of Thompson, and the others.

From your loving friend,  
(Signed) TE POKIHA.  
WILLIAM FOX.

\* Friendly Natives fighting on the European side.



## Appendix C.

The custom of confiscation from a variety of causes is a fixed one among the natives, and has been practised for centuries in every part of the colony. When Captain FitzRoy failed to take the Wairau plains after the massacre of 1843, Rangihaeata, the principal actor on that occasion, said "He paukena te pakeha?" The Governor is soft; he is a pumpkin.

NEW  
ZEALAND.

No. 12.

No. 12

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 68.)

Government House, Auckland, May 6, 1864.

(Received July 14, 1864.)

(Answered No. 80, July 26, 1864, page 65.)

MY LORD DUKE,

I HAVE the honour to transmit, for your Grace's information, the copy of a Despatch I have received from Lieut.-General Sir D. Cameron, K.C.B., reporting that an assault was made by Her Majesty's naval and military forces upon a native intrenchment at Tauranga upon the 29th ultimo, in which our troops were unfortunately repulsed with a loss of 10 officers killed and of 4 officers wounded, and of 25 non-commissioned officers, petty officers, and men killed, and 72 non-commissioned officers, petty officers, and men wounded, making a total of 111 killed and wounded.

Lieut.-Gen.  
Cameron to  
Sir G. Grey,  
Tauranga,  
May, 5, 1864.

2. The natives, who were probably 200 strong, availed themselves of the darkness of night to abandon their work, leaving some of their killed and wounded behind them. The General reports that their loss must have been very heavy, and that 20 killed and 6 wounded were found in and about their position after they had abandoned it.

3. Your Grace will read with pleasure the terms in which Sir D. Cameron speaks of the heroism and devotion of those officers who led on the assault, and will, I am well aware, sympathise with the universal sorrow which has been felt in this Colony at the loss of so many noble and gallant officers and men.

I have, &amp;c.

His Grace the Duke of Newcastle, K.G.

(Signed) G. GREY.

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 12.

Encl. in No. 12.

SIR,

Head Quarters, Tauranga, May 5, 1864.

It having been decided by your Excellency and myself, in consequence of information received from Colonel Greer, commanding at Tauranga, that reinforcements should be sent to that station, detachments were embarked without delay in H.M. Ships "Esk" and "Falcon," placed at my disposal by Commodore Sir Wm. Wiseman, and by the 26th April were all landed at the Mission Station of Tauranga, to which place I had transferred my head quarters on the 21st April.

On the 27th April I moved the 68th Regiment under Colonel Greer and a mixed detachment of 170 men under Major Ryan, 70th Regiment, towards the rebel intrenchment of which I made a close reconnaissance.

It was constructed on a neck of land about 500 yards wide, the slopes of which fell off into a swamp on either side. On the highest point of this neck they had constructed an oblong redoubt, well palisaded and surrounded by a post and rail fence—a formidable obstacle to an assaulting column, and difficult to destroy with artillery. The intervals between the side faces of the redoubt and the swamps were defended by an intrenched line of rifle pits.

I encamped the 68th Regiment, and Major Ryan's detachment about 1,200 yards from the enemy's position on the 27th, and on that and the following days the guns and mortars intended to breach the position were brought up to the camp, which was joined by a large force of seamen and marines, landed at my request from the ships of the squadron by Commodore Sir Wm. Wiseman. The composition and strength of the force, assembled in front of the enemy's position on the evening of the 28th, are shown in the margin.\*

Having received information that, by moving along the beach of one of the branches of Tauranga harbour at low water, it was possible for a body of troops to pass outside the swamp on the enemy's right, and gain the rear of his position, I ordered Colonel Greer to make the attempt with the 68th Regiment, after dark on the evening of the 28th, and in order to divert the attention of the enemy from that side, I ordered a feigned attack to be made in his front.

Colonel Greer's movement succeeded perfectly, and on the morning of the 29th he had taken up a position in rear of the enemy, which cut off his supply of water, and made his retreat in daylight impossible, but was necessarily too extended to prevent his escape by night.

I enclose Colonel Greer's report of his proceedings.

During the same night the guns and mortars were placed

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\* General Staff—4 field officers, 1 subaltern.  
Medical Staff—2 field officers, 1 subaltern.  
Naval Brigade—4 field officers, 6 captains, 7 subalterns, 36 sergeants, 5 drummers, 371 rank and file.  
Royal Artillery—1 field officer, 1 captain, 3 subalterns, 1 staff, 1 sergeant, 43 rank and file.  
Royal Engineers—2 rank and file.  
Moveable Column—1 field officer, 2 captains, 3 subalterns, 1 staff, 6 sergeants, 4 drummers, 164 rank and file.  
43rd Regiment—1 field officer, 5 captains, 5 subalterns, 3 staff, 17 sergeants, 12 drummers, 250 rank and file.  
68th Regiment—3 field officers, 6 captains, 15 subalterns, 3 staff, 34 sergeants, 21 drummers, 650 rank and file.  
Total—16 Field officers.  
20 Captains.  
35 Subalterns.  
8 Staff.  
94 Sergeants.  
42 Drummers.  
1430 Rank and file.  
Detail of Artillery employed—  
1 110-pounder Armstrongs.  
2 40-pounder Armstrongs.  
2 6-pounder Armstrongs.  
2 24-pounder howitzers.  
2 8-inch mortars.  
6 Cohorn mortars.

NEW  
ZEALAND.

in position, and opened fire soon after daybreak on the morning of the 29th. I gave directions that their fire should be directed principally against the left angle of the centre work, which from the nature of the ground I considered the most favourable part to attack.

Their practice was excellent, particularly that of the howitzers, and reflects great credit on the officer in command of batteries.

About 12 o'clock the swamp on the enemy's left having been reported by Captain Greaves, Deputy Assistant Quartermaster-General, practicable for the passage of a gun, a six-pounder Armstrong gun was taken across to the high ground on the opposite side from which its fire completely enfiladed the left of the enemy's position which he was thus compelled to abandon. The fire of the guns, howitzers and mortars was continued with short intermissions until 4 p.m., when a large portion of the fence and palisading having been destroyed and a practicable breach made in the parapet, I ordered the assault.

150 seamen and marines under Commander Hay of H.M.S. "Harrier," and an equal number of the 43rd Regiment under Lieutenant-Colonel Booth, formed the assaulting column.

Major Ryan's detachment was extended as close to the work as possible, to keep down the fire from the rifle-pits, with orders to follow the assaulting column into the work.

The remainder of the seamen and marines, and of the 43rd regiment, amounting together to 300 men, followed as a reserve.

The assaulting column, protected by the nature of the ground, gained the breach with little loss, and effected an entrance into the main body of the work, when a fierce conflict ensued, in which the natives fought with the greatest desperation. Lieutenant-Colonel Booth and Commander Hay, who led into the work, fell mortally wounded. Captain Hamilton was shot dead on the top of the parapet while in the act of encouraging his men to advance, and in a few minutes almost every officer of the column was either killed or wounded. Up to this moment the men, so nobly led by their officers, fought gallantly, and appeared to have carried the position, when they suddenly gave way and fell back from the work to the nearest cover.

This repulse I am at a loss to explain otherwise than by attributing it to the confusion caused among the men by the intricate nature of the interior defences, and the sudden fall of so many of their officers.

On my arrival at the spot I considered it inadvisable to renew the assault, and directed a line of intrenchment to be thrown up within one hundred yards of the work, so as to be able to maintain our advanced position, intending to resume operations the following morning.

The natives, availing themselves of the extreme darkness of the night, abandoned the work, leaving some of their killed and wounded behind.

On taking possession of the work in the morning Lieutenant-Colonel Booth and some men were found still living, and, to the credit of the natives, had not been maltreated; nor had any of the bodies of the killed been mutilated. I enclose a list of our casualties.

I deeply deplore the loss of the many brave and valuable officers who fell in the noble discharge of their duty on this occasion.

The 43rd regiment and the service have sustained a serious loss in the death of Lieutenant-Colonel Booth, which took place on the night after the attack. I have already mentioned the brilliant example shown by this officer in the assault; and when I met him on the following morning, as he was being carried out of the work, his first words were an expression of regret that he had found it impossible to carry out my orders.

The heroism and devotion of Captain Hamilton and Commander Hay reflect the highest honour on the Naval Service.

The loss of the enemy must have been very heavy, although not more than twenty bodies and six wounded were found in and about their position. It is admitted by the prisoners that they carried off a large number of killed and wounded during the night, and they also suffered in attempting to make their escape, as described in Colonel Greer's report.

In my reports to His Royal Highness the Field Marshal Commanding-in-Chief and the Right Honourable the Secretary of State for War, I have brought to their favourable notice the names of the officers who particularly distinguished themselves on this occasion.

Commodore Sir Wm. Wiseman, on this as on every other occasion, co-operated with me in the most cordial manner, and I am much indebted to him as well as to the whole of the officers and men of the Royal Navy and Marines who took part in these operations, for their valuable assistance.

I have, &c.

His Excellency Sir George Grey, K.C.B.  
&c. &c. &c.

(Signed) D. A. CAMERON.  
Lieut.-General.

SIR,

Camp Puke Wharangi, May 1, 1864.

I HAVE the honour to state, for the information of the Lieutenant-General Commanding, that in compliance with his instructions I marched out of camp with the 68th Light Infantry carrying one day's cooked rations and a great coat each, on the 28th ultimo, at a quarter to seven o'clock p.m., my object being to get in the rear of the enemy's position by means of a flank march round their right. To accomplish this it was necessary to cross a mud flat, at the head of a bay about three quarters of a mile long, only passable at low water, and then nearly knee deep, and within musketry range of the shore, in possession of the enemy—rough high ground, covered with ti-tree and fern.

2. At the point at which I got off the mud flat, there is a swamp about 100 yards broad covered with ti-tree about five feet high, on the opposite side of which the end of a spur—which runs down from the high ground in the rear of the pa—rose abruptly. This was also covered with heavy fern and ti-tree.

3. It being of the first importance that this movement should be accomplished without attracting the attention of the enemy, my instructions were to gain the top of the spur alluded to during the darkness, and remain there until there should be sufficient light to move on.

4. The regiment was all across, a lying down in line along the crest of the ridge, with picquets posted round them, at 10 o'clock, which was two hours before the moon rose. I beg here to state



that to the well-timed feigned attack made by the Lieutenant-General commanding, on the front of the enemy's pa, I consider myself indebted for having been enabled to accomplish this, the most difficult part of the march, without being attacked at a great disadvantage, and exposing the movement to the enemy, for when we reached the top of the ridge the remains of their picquet fires were discovered, the picquets having no doubt retired to assist in the defence of the pa.

5. About half past one o'clock a.m. I advanced, and at three o'clock I reached a position about 1,000 yards directly in the rear of the pa. I was guided in selecting this position by hearing the Maories talking in their pa, and the sentries challenging in our Head Quarters camp. It was dark and raining at the time.

6. I immediately sent Major Shuttleworth forward with three companies to taking a position on the left rear of the pa, and I placed picquets round the remainder of the rear, about 700 yards distant from it.

7. At daybreak I detached three companies to the right, under command of Major Kirby, and posted a chain of sentries, so that no one could come out of the pa without being seen. Up to this time the enemy did not appear to be aware that they were surrounded; they were singing and making speeches in their pa. Later in the morning, Lieutenant-Colonel Gamble, C.B., Deputy Quartermaster-General, visited my post, having an escort with him of 30 men of the Naval Brigade under Lieutenant Hotham, R.N., and seeing that I wanted a reinforcement on my right he left his escort with me, and I received valuable assistance from that excellent officer and his party. About the same time Major Shuttleworth moved more to his left, and closer to the pa.

8. Those positions were not altered during the bombardment, except temporarily, when the Maories showed a disposition to come out at one or other flank, or when it was necessary to move a little from a position getting more than its share of the splinters of shell which kept falling about all day during the bombardment.

9. When the bombardment ceased, and the signal of a rocket let me know that the assault was about being made, I moved up close round the rear of the pa in such a position that the Maories could not come out without being met by a strong force.

10. About 5 o'clock, p.m. the Maories made a determined rush from the right rear of their pa. I met them with three companies, and after a skirmish, drove the main body back into the pa; about twenty got past my right, but they received a flank fire from Lieutenant Cox's party (68th, 60 men,) and Lieut. Hotham's (30 men) Naval Brigade, and sixteen of the Maories were seen to fall; a number of men pursued the remainder. By the time I had collected the men again and posted them it was very dark. My force available on the right was quite inadequate to cover the ground in such a manner as to prevent the Maories from escaping during the night; in fact I consider that on such a wet dark night as that was, nothing but a close chain of sentries strongly supported round the whole rear and flanks could have kept the Maoris in, and to do that a much stronger force than I had would have been necessary.

11. During the night the Maories made their escape. I think that, taking advantage of the darkness, they crept away in small parties, for during the night every post either saw or heard some of them escaping, and fired volleys at them. The Maories, careful not to expose themselves, never returned a shot during the night, but there were occasional shots fired from the pa, no doubt to deceive us as to their having left it.

12. I cannot speak too highly of the conduct of the 68th during the march on Thursday night; it was performed with the most complete stillness and regularity. I have also the greatest pleasure in being able to state that during the whole of their fatiguing duty they were always ready to obey cheerfully any order they received, and after dark it was most difficult to move about from the way in which the ground in rear was swept by the musketry in front.

13. I am much indebted to the officers and non-commissioned officers for the active intelligence and zeal with which they performed their duty. I beg to mention particularly Major Shuttleworth, 68th Light Infantry, who, with the guide and six men, went feeling the way to the front during the night march, and afterwards commanded on the left, repelling several attempts of the Maoris to get away in that direction.

Capt. Trent, 68th Light Infantry, who, with his company, formed the advanced guard during the night march, and performed that duty with much intelligence, and was afterwards engaged on the left, where he enfiladed a rifle-pit, and in the front covering a working party.

Lieutenant Cox, 68th, who occupied with judgment and good effect an important position on my right, where he enfiladed a rifle-pit and quite shut up what appeared the principal point of egress from the pa.

Lieutenant Hotham, Royal Navy who was with a party of the Naval Brigade at the same post with Lieutenant Cox.

To Lieutenant and Adjutant Covey, 68th Light Infantry, Field Adjutant, I am on this occasion, as on every other where duty is concerned, much indebted for the zeal and intelligence with which he has assisted me in seeing my orders carried out. During the whole time he was constantly on the alert and active wherever he was required. To all I owe my best thanks.

14. I wish to bring to particular notice the admirable manner in which the regiment was guided by Mr. Purvis, who volunteered to act as guide on the occasion. He went to the front with Major Shuttleworth and 6 men, and, without hesitating or making a mistake, brought me straight to the position I wished to occupy.

15. The whole of the 68th Regiment was back in camp by 4 p.m. yesterday.

The casualties were as follows:—

Killed—1 Sergeant 68th Light Infantry.

Wounded 16 Privates do.

I have, &c.,

(Signed) H. H. GREER,

Colonel and Lieutenant-Colonel, 68th Light Infantry,  
Commanding Field Force, Camp Puke Wharangi.

The Deputy Adjutant General,  
Camp Te Papa.

ZEALAND.

Encl. in No. 8.

## Enclosure in No. 12.

## NOMINAL RETURN OF KILLED AND WOUNDED at GATE PAH, near TAURANGA, NEW ZEALAND, on 29th April 1864.

| Corps.     | Regtl. No. | Rank and Name.               | Age. | Service. | Date of Death.   | Place of Death. | Nature of Injury.                    | Remarks.                | Result.     |
|------------|------------|------------------------------|------|----------|------------------|-----------------|--------------------------------------|-------------------------|-------------|
| 12th Foot. | 3479       | Private William Brissington  | —    | —        | 1864<br>April 29 | Gate Pah        | Gunshot wound through chest          | —                       | Killed.     |
| "          | 619        | " Patrick Monaghan           | 23   | 3        | —                | —               | " right thigh                        | Severe.                 |             |
| "          | 268        | " Andrew Mitchell            | 22   | 5        | —                | —               | " right arm                          | Slight.                 |             |
| 14th Foot  | 390        | Sergeant William Armstrong   | 28   | 10       | —                | —               | " right thigh                        | Very slight.            |             |
| "          | 686        | Private Thomas Burdett       | 23   | 5        | —                | —               | " right shoulder                     | Slight.                 |             |
| "          | 574        | " John Ruth                  | 27   | 5        | —                | —               | " left foot                          | Severe; ball extracted. |             |
| "          | 1244       | " William Power              | 22   | 4        | —                | —               | " both shoulders                     | Severe.                 |             |
| 40th Foot  | 3233       | Private James Hungless       | 30   | 10       | —                | —               | " left hip                           | Severe.                 |             |
| 43rd Foot  | —          | Lieut.-Colonel H. J. Booth   | —    | —        | April 30         | Tauranga        | " spine and right arm                | Dangerous               | Since dead. |
| "          | —          | Captain Robert Coke Glover   | —    | —        | April 29         | Gate Pah        | " head, tomahawk, right axilla       | —                       | Killed.     |
| "          | —          | " C. R. Mure                 | —    | —        | "                | "               | " through heart                      | —                       | "           |
| "          | —          | " R. T. F. Hamilton          | —    | —        | "                | "               | " head                               | —                       | "           |
| "          | —          | " Edwin Hutterton            | —    | —        | "                | "               | " neck                               | —                       | "           |
| "          | —          | Lieutenant T. G. E. Glover   | —    | —        | May 1            | Tauranga        | " abdomen, penetrating               | Dangerous               | Since dead. |
| "          | —          | " Chas. J. Langlands         | —    | —        | April 29         | Gate Pah        | " chest                              | —                       | Killed.     |
| "          | —          | Ensign Spencer P. T. Nicholl | —    | —        | —                | —               | " scalp                              | Slight.                 |             |
| "          | 2220       | " William Clark              | —    | —        | —                | —               | " right arm                          | Severe.                 |             |
| "          | 780        | Sergeant-Major John Vance    | 37   | 18       | April 29         | Gate Pah        | " chest                              | —                       | Killed.     |
| "          | 494        | Private Philip Fitzgerald    | 29   | 12       | "                | "               | " head                               | —                       | "           |
| "          | 633        | " James Lane                 | 24   | 4        | "                | "               | " left side, chest                   | —                       | "           |
| "          | 3306       | " George Bradbrook           | 29   | 6        | "                | "               | " abdomen                            | —                       | "           |
| "          | 227        | " Jacob Holdbrook            | 37   | 17       | "                | "               | " chest and breast                   | —                       | "           |
| "          | 355        | " Henry Goff                 | 25   | 5        | "                | "               | " left chest                         | —                       | "           |
| "          | 92         | " Silvester Hornby           | 24   | 6        | "                | "               | " left breast                        | —                       | "           |
| "          | 3474       | " Frederick Tran             | 24   | 6        | "                | "               | " Tomahawk, right shoulder, and head | —                       | "           |
| "          | 3047       | Bugler James Blackwall       | 24   | 10       | "                | "               | " Gunshot wound left breast          | —                       | "           |
| "          | 279        | Sergeant Edwin Young         | 30   | 11       | "                | "               | " left jaw                           | Severe.                 |             |
| "          | 2211       | " John Hurley                | 29   | 12       | —                | —               | " right forearm and shoulder         | Very severe.            |             |
| "          | 451        | " Thomas Collier             | 38   | 18       | —                | —               | " left arm                           | "                       |             |
| "          | —          | " John Cain                  | 24   | 4        | —                | —               | " right forearm                      | Very slight.            |             |



Enclosure in No. 12—cont.

| Corps.    | Regtl. No. | Rank and Name.              | Age. | Service. | Date of Death. | Place of Death. | Nature of Injury.                  | Remarks.     | Result.         |
|-----------|------------|-----------------------------|------|----------|----------------|-----------------|------------------------------------|--------------|-----------------|
| 43rd Foot | 3130       | Corporal William Everett -  | 29   | 9        | April 29       | —               | Gunshot wound left shoulder -      | Severe.      | Right arm ampu- |
| "         | 635        | Private William Bridgeman - | 36   | 16       | —              | —               | both arms -                        | "            | tated.          |
| "         | 612        | " John Bryan -              | 24   | 6        | —              | —               | right shoulder -                   | "            |                 |
| "         | 448        | " John Noble -              | 23   | 4        | —              | —               | left shoulder -                    | Very slight. |                 |
| "         | 2167       | " James Warburton -         | 37   | 19       | —              | —               | right side of face -               | Severe.      |                 |
| "         | 457        | " George Clarke -           | 22   | 4        | —              | —               | left shoulder -                    | "            |                 |
| "         | 2313       | " John Simmonds -           | 35   | 18       | —              | —               | left arm -                         | "            |                 |
| "         | 620        | " John McFarlane -          | 20   | 3        | —              | —               | upper lip -                        | Slight.      |                 |
| "         | 646        | " John Livesay -            | 25   | 6        | —              | —               | right jaw and chin -               | Very severe. |                 |
| "         | 637        | " Bernard Conroy -          | 20   | 4        | —              | —               | cutlass wound right thigh -        | Slight       | (Accidental).   |
| "         | 3560       | " Michael Casey -           | 32   | 14       | —              | —               | Gunshot wound right temple -       | Severe.      |                 |
| "         | 257        | " William Sergeant -        | 35   | 18       | —              | —               | right thigh -                      | "            |                 |
| "         | 680        | " James Audley -            | 32   | 12       | April 30       | Tauranga        | Tomahawked, head -                 | Dangerous    | Since dead.     |
| "         | 647        | " Thomas Maddler -          | 29   | 9        | "              | "               | Gunshot wound left chest -         | Severe       | "               |
| "         | 3431       | " Robert Phelan -           | 35   | 17       | "              | Tepapa          | head -                             | Dangerous    | "               |
| "         | 3585       | " James Clarke -            | 26   | 6        | —              | —               | right shoulder -                   | Slight.      |                 |
| "         | 239        | " George Robbins -          | 23   | 5        | May 1          | Tauranga        | right lung, and brain pene-        |              |                 |
| "         |            | "                           |      |          |                |                 | trated -                           |              |                 |
| "         | 2913       | " Martin Walsh -            | 30   | 12       | —              | —               | right shin -                       | Very severe. | Since dead.     |
| "         |            | "                           |      |          |                |                 |                                    | "            | Right leg ampu- |
| "         | 35         | Drummer Thomas Wright       | 20   | 5        | —              | —               | left leg -                         | Severe.      | tated.          |
| 65th Foot | 2217       | Private Greenwood Haliwell  | 38   | 19       | —              | —               | left nates -                       | Severe.      |                 |
| 68th Foot | 3158       | Sergeant James Harner -     | 27   | 10       | April 29       | Gate Pah        | chest -                            | -            | Killed.         |
| "         | 3592       | Private John Moffitt -      | 28   | 9        | —              | —               | right knee joint -                 | Very severe. |                 |
| "         | 3771       | " William Sloane -          | 30   | 9        | —              | —               | Shell—right foot -                 | Severe.      |                 |
| "         | 7          | " Edward O'Neil -           | 26   | 5        | —              | —               | Gunshot wound left thigh -         | Dangerous.   |                 |
| "         | 131        | " Daniel Sweeney -          | 25   | 6        | —              | —               | Shell—right knee -                 | Severe.      |                 |
| "         | 4040       | " William Watson -          | 30   | 9        | —              | —               | Shell—right hand -                 | Slight.      |                 |
| "         | 3905       | " John Logan -              | 28   | 9        | —              | —               | Gunshot wound right thigh and hand | Very severe. |                 |
| "         | 4215       | " Patrick McDonald -        | 25   | 6        | —              | —               | chest and left arm -               | Dangerous.   |                 |
| "         | 73         | " William Johnston -        | 24   | 6        | —              | —               | mouth and neck -                   | Severe.      | Arm amputated.  |
| "         | 3708       | " William Ashton -          | 35   | 9        | —              | —               | left arm -                         | Severe       |                 |
| "         | 329        | " Henry Black -             | 27   | 8        | —              | —               | right arm -                        | Slight.      |                 |
| "         | 642        | " John Plattdele -          | 24   | 6        | —              | —               | chest -                            | Very severe. |                 |
| "         | 3206       | " James Byewater -          | 30   | 10       | —              | —               | head -                             | Slight.      |                 |

| Corps.         | Regtl.<br>No.      | Rank and Name.                | Age. | Service. | Date of<br>Death. | Place of<br>Death. | Nature of Injury.                  | Remarks.     | Result. |
|----------------|--------------------|-------------------------------|------|----------|-------------------|--------------------|------------------------------------|--------------|---------|
| 68th Foot      | 4047               | Private Hugh Tonor            | 27   | 8        | April 29          | Gate Pah           | Gunshot wound chest                | -            | -       |
| "              | 3434               | Patrick Farrell               | 28   | 11       | "                 | "                  | right chest                        | Severe.      | -       |
| "              | 3188               | John Baxier                   | 27   | 10       | "                 | "                  | left uates and scrotum             | Slight.      | -       |
| "              | 69                 | John Gamble                   | 28   | 9        | "                 | "                  | forehead                           | Dangerous.   | -       |
| "              | 111                | James Watson                  | 25   | 6        | "                 | "                  | face                               | Slight.      | -       |
| "              | 3575               | Sergeant William Atherton     | 27   | 9        | "                 | "                  | leg                                | "            | Killed. |
| "              | 3944               | Private Thomas McGough        | 29   | 8        | "                 | "                  | neck and chest                     | "            | -       |
| NAVAL BRIGADE. |                    |                               |      |          |                   |                    |                                    |              |         |
| Ship.          | Branch of Service. |                               |      |          |                   |                    |                                    |              |         |
| Curaçoa        | R.N.               | Lieutenant Hill,              | -    | -        | April 29          | Gate Pah           | Gunshot wound hip                  | -            | Killed. |
| "              | "                  | Ordinary Thomas Tenam         | -    | -        | "                 | "                  | left jaw                           | Very severe. | -       |
| "              | "                  | William Fox                   | -    | -        | "                 | "                  | left knee                          | Severe.      | -       |
| "              | "                  | John Watson                   | -    | -        | "                 | "                  | groin                              | Very severe. | -       |
| "              | "                  | Amos Smith                    | -    | -        | "                 | "                  | "                                  | Dangerous.   | Killed. |
| "              | "                  | James Harris                  | -    | -        | "                 | Gate Pah           | "                                  | Severe.      | -       |
| "              | R.M.               | Gunner Charles Ween           | -    | -        | "                 | "                  | lower jaw                          | -            | -       |
| Miranda        | R.N.               | Lieutenant Hammick            | -    | -        | "                 | "                  | right shoulder                     | Very severe. | Killed. |
| "              | "                  | Gunner M. Watts               | -    | -        | April 20          | Gate Pah           | left shoulder                      | Very severe. | -       |
| "              | "                  | Boatswain's Mate, John Nokes  | -    | -        | "                 | "                  | left thigh                         | Severe.      | -       |
| "              | "                  | Capt. Main Top, James English | -    | -        | "                 | "                  | left leg                           | " dangerous. | -       |
| "              | "                  | A.B. M. Bryan                 | -    | -        | "                 | "                  | left lung and fracture of left arm | ous.         | -       |
| "              | "                  | Samuel Rutiven                | -    | -        | "                 | "                  | arm                                | Very severe. | -       |
| "              | "                  | George Charmbold              | -    | -        | "                 | "                  | left leg                           | Severe.      | -       |
| "              | "                  | Alexander McAllister          | -    | -        | "                 | "                  | arm                                | Dangerous.   | -       |
| "              | "                  | P.M. Levi Keane               | -    | -        | "                 | "                  | left thigh                         | -            | -       |
| "              | "                  | Gunner George Alton           | -    | -        | "                 | "                  | "                                  | -            | -       |
| "              | "                  | Captain Hamilton              | -    | -        | "                 | "                  | through the head                   | -            | Killed. |
| Esk            | R.N.               | Lieutenant Duff               | -    | -        | April 29          | Gate Pah           | back, two places                   | Very severe. | -       |
| "              | "                  | Quarter Master William Dalton | -    | -        | "                 | "                  | "                                  | -            | -       |
| "              | "                  | Stoker, W. Leigh              | -    | -        | "                 | "                  | "                                  | -            | "       |
| "              | "                  | O.S. R. Fuller                | -    | -        | "                 | "                  | "                                  | -            | "       |
| "              | "                  | F. Donnelly                   | -    | -        | "                 | "                  | "                                  | -            | "       |
| "              | "                  | A.B. R. Jeffery               | -    | -        | "                 | "                  | Sprained leg                       | -            | -       |
| "              | "                  | "                             | -    | -        | "                 | "                  | "                                  | -            | -       |



Enclosure in No. 12—cont.

| Ship.               | Branch of Service. | Rank and Name.                 | Age. | Service. | Date of Death. | Place of Death. | Nature of Injury.                | Remarks.     | Result.      |
|---------------------|--------------------|--------------------------------|------|----------|----------------|-----------------|----------------------------------|--------------|--------------|
| NAVAL BRIGADE—cont. |                    |                                |      |          |                |                 |                                  |              |              |
| Esk                 | R.N.               | Leadg. W. Allison              | —    | —        | —              | Gate Pah        | Gunshot wound of chest and thigh | Dangerous.   | Very severe. |
| "                   | "                  | Capt. Forecastle, James Knight | —    | —        | —              | —               | right shoulder                   | "            |              |
| "                   | "                  | A.B. Edward Martin             | —    | —        | —              | —               | right hip and loins              | "            |              |
| "                   | "                  | " Thomas Roberts               | —    | —        | —              | —               | abdomen                          | "            |              |
| "                   | "                  | " Alfred Bowden                | —    | —        | —              | —               | right heel                       | Dangerous.   |              |
| "                   | "                  | " James Lawrence               | —    | —        | —              | —               | scalp wound                      | Severe.      |              |
| "                   | R.M.               | Bombr. W. Foyer                | —    | —        | —              | —               | left arm                         | "            |              |
| "                   | "                  | Gunner, Robert Ward            | —    | —        | —              | —               | right thigh                      | "            |              |
| Harrier             | R.N.               | Commander Hay                  | —    | —        | April 30       | Tauranga        | Gunshot wound through the throat | Dangerous    | Since dead.  |
| "                   | "                  | Stoker, Andrew Greenhorn       | —    | —        | April 29       | Gate Pah        |                                  | —            | Killed.      |
| "                   | "                  | A.B. George Young (2d)         | —    | —        | "              | "               |                                  | —            | "            |
| "                   | "                  | Boy, Henry Clark               | —    | —        | "              | "               |                                  | —            | "            |
| "                   | "                  | A.B. Alfred Lockie             | —    | —        | —              | —               |                                  | Very severe. | Slight.      |
| "                   | "                  | " James Pullett                | —    | —        | —              | —               | right elbow                      | "            |              |
| "                   | "                  | Ordy, Charles Barrett          | —    | —        | —              | —               | finger                           | "            |              |
| "                   | "                  | " William Burchill             | —    | —        | —              | —               | left thigh                       | "            | Very severe. |
| Eclipse.            | R.M.               | Sergeant Harding               | —    | —        | April 29       | Gate Pah        | right hip                        | —            |              |

HENRY SLADE,  
Surgeon, H.M.S. "Miranda."J. MOUAT,  
Deputy Inspector-General of Hospitals,  
Principal Medical Officer.

NEW  
ZEALAND.

NUMERICAL ABSTRACT of KILLED and WOUNDED at Gate Pah, near Tauranga, April 29, 1864.

| Regiments.                    | Officers. |          | Non-commissioned Officers and Men. |          | Since Dead. |                   |
|-------------------------------|-----------|----------|------------------------------------|----------|-------------|-------------------|
|                               | Killed.   | Wounded. | Killed.                            | Wounded. | Officers.   | N. C. O. and Men. |
| 1st Battalion 12th Foot - - - | —         | —        | 1                                  | 2        | —           | —                 |
| 2nd Battalion 14th Foot - - - | —         | —        | —                                  | 4        | —           | —                 |
| 40th Foot - - - - -           | —         | —        | —                                  | 1        | —           | —                 |
| 43rd Foot - - - - -           | 5         | 4        | 9                                  | 23       | 2           | 4                 |
| 65th Foot - - - - -           | —         | —        | —                                  | 1        | —           | —                 |
| 68th Foot - - - - -           | —         | —        | 2                                  | 18       | —           | —                 |
| Total - - - - -               | 5         | 4        | 12                                 | 49       | 2           | 4                 |

## ROYAL NAVAL BRIGADE.

|                          |   |   |    |    |   |   |
|--------------------------|---|---|----|----|---|---|
| "Curaçoa" - - - - -      | 1 | — | 1  | 5  | — | — |
| "Miranda" - - - - -      | — | 1 | 1  | 8  | — | — |
| "Esk" - - - - -          | 1 | 1 | 3  | 10 | — | — |
| "Harrier" - - - - -      | — | 1 | 3  | 4  | 1 | — |
| "Eclipse" - - - - -      | — | — | 1  | —  | — | — |
| Total - - - - -          | 2 | 3 | 9  | 27 | 1 | — |
| Total of both services - | 7 | 7 | 21 | 76 | 3 | 4 |

J. MOUAT,

Dep. In. Gen., P. M. O.

No. 13.

No. 13.

COPY of a DESPATCH from Governor SIR GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

(No. 70.)

Government House, Auckland, May 7, 1864.

(Received July 14, 1864.)

(Answered, No. 80, July 26, 1864, page 65.)

MY LORD DUKE,

\* Vide Papers,  
presented July,  
1864, page 10.

My Responsible Advisers have requested me to transmit for your Grace's information the enclosed Memorandum upon a passage in my Despatch No. 53,\* of the 6th April 1864, relating to a statement made by a New Zealand chief regarding the impression made upon the Natives by the detention of a large number of prisoners.

2. My Advisers do not consider this chief is a trustworthy or disinterested authority, and wish this, their opinion, to be brought under your Grace's notice.

3. It is not necessary for me now to enter into the question of the trustworthiness or disinterestedness of this particular chief, as the general question of the detention of these men will come before your Grace in another form.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Encl. in No. 13.

Enclosure in No. 13.

## MEMORANDUM for His Excellency.

In his Excellency's despatch to his Grace the Duke of Newcastle, dated 6th April 1864, and transmitted at that date (without his Excellency's Responsible Advisers having seen it at that time), they observe the following passage:—

Aihopene  
Kaihau.

"The enclosed letter received from a well informed native chief on the 4th of March last, will show the feeling prevailing amongst the natives. He states that the cause of sadness of the Waikato tribes, and of their determination to persist even to death in the course in which they have embarked, is their belief that the chiefs of Waikato whom we have taken prisoners, and who are kept in close confinement on board a hulk, will when this war is ended be transported to some island, where they will be imprisoned and then hanged."

Ministers desire respectfully to record their opinion that Aihopene Kaihau cannot be regarded as either a trustworthy or disinterested authority in this matter. He is a leading chief of a tribe resident



near Auckland, a large number of which have actively engaged in the rebellion, and several of his immediate relatives and neighbours were taken prisoners at Rangiriri, and are now on board the hulk. His object in coming to Auckland was partly to try to obtain the release of these men, and his letter to the Colonial Secretary was written with that express object. He was himself so far committed in the rebellion, by overt acts in March 1863, confirmed by his previous conduct for a year and a half before, as to induce his Excellency to suspend him from his office of assessor, and though he has been since restored (under circumstances which need not be here recounted) there is little doubt that his sympathies are with the rebels, though he feels it to be his interest to abstain from exhibiting them in any very open manner. His assertion as to the effect of the confinement of his relatives and friends under the circumstances, made for the express purpose of influencing the Government to release them, is not in the opinion of ministers of the smallest value whatever.

It is not, however, for the purpose of impugning Aihenepe's testimony in this particular case that ministers have called his Excellency's attention to this subject, but rather to place on record their conviction that the testimony and opinions of natives ought to be regarded with the very greatest caution, particularly at this period of excitement in the native mind, and that neither this Government, nor Her Majesty's Secretary of State ought to allow their views to be materially affected by them. As regards their opinions, there is no difficulty in finding, on any given question, any number of opinions on either side; and as regards their testimony, it is so often at direct variance with truth when they have any object in mis-statement, that ministers very seldom dare in such cases to act upon it. The following are a few instances which seem to go far to justify the incredulity of ministers; they have all occurred within a very recent period, and might be increased to almost any extent if it were worth while to search the files of the Native Office.

In October last, Pirimona, an ordained native minister of the Church of England, residing at Auckland, where he had every opportunity of ascertaining the truth both from the leading clergy of his church and from the Native Office, a man believed to be of the highest respectability, precisely the man whose testimony might be quoted with effect in an official report, went to the Bay of Islands and Hokinaga, where his own relations, the Ngapuhi tribe, in no way connected with the rebellion, live. His object seems to have been to sow sedition among them, and he did so by circulating the greatest falsehoods as to the progress of affairs in Waikato, and our alleged reverses there. This is a sample of his tales (which he put in writing), "That at Kirikiri there was a fight in which seven Maories fell and 1,080 Pakehas were slain. The Maories captured 150 tents, two cannons, and two tents of powder. "One officer was taken prisoner, and his name was Kemara. This" he says, "he heard from a man "who was in the engagement." A little further on he records the fight at Paparata, "The Maories "fired from where they were, they killed 50 soldiers; not one Maori was killed." It is unnecessary to observe that these stories are all but pure fabrications. A paper, laid before the House of Representatives containing other statements of a similar character, is appended. Whether the stories were his own invention, or he only retailed the inventions of others, it is certain they were very generally believed and repeated, and but for the prompt interference of the local officers of Government, would no doubt have done much mischief. They prove at once the want of veracity, and the unreasoning credulity of the Maori race, and considering Pirimona's previous character, convey a warning on the subject to those who may be inclined to rely much on Maori statements.

Again, a gentleman in Cooks Straits describes in a private letter a visit of a native who had just been participating in the hostilities at Waikato. The man stated at a public meeting of natives, that at Rangiaohia, where he fought himself, the English "lost 1,500 men, and that Bishop Selwyn was now "second in command, and rode about with a sword at his side."

Immediately after the evacuation of Paterangi, W. Thompson dispatched his nephew Waharoa to the east coast for recruits. This man carried a report that at Rangiriri we lost 6,000 men, the natives 140, and that we took no prisoners.

A letter signed with W. Thompson's own name, and believed to be authentic, was received by the Bay of Plenty natives immediately after the affair at Rangiaohia. It is now on the files of the Colonial Secretary's office. Thompson describes the battle at some length, stating that he was present himself, and in command of a part of the native force. "Then" he says "the cavalry came on. I said to my "men 'fire!' There was one volley. Every horse was killed. That was the end. General Cameron "is now sueing for peace." The real facts were that the natives were routed, driven pell-mell before an assault of our troops, followed for a great distance and severely cut up by our cavalry and forest rangers, and on the whole lost over 100 killed besides many wounded, while our loss was quite trivial. Thompson gives the native loss as eight. "As for the Europeans" he says "they had the bed of "death to themselves."

A missionary from the east coast writes: "The most absurdly exaggerated reports are in circulation "about our losses at Waikato. When the poor "Avon" (a steam transport which had a trifling "accident on a snag) was injured, she had on board 1,000 men, all of whom perished. The general "must have more lives than a cat. He was killed at Waikato and 20% taken from each of his boots. "He went in disguise as a minister to one of the pas (I think Paterangi). The bell was rung, and he "took his station in the pulpit, but counted each person who entered. As the Karakia (church service) "was proceeding, a Maori noticed some part of the uniform under the surplice, the alarm was given, "and the unfortunate general was despatched. There are several other stories of the same character "flying about which are all implicitly believed."

The bishop of Waiapu in an official letter dated April 5th 1864, writes, "The reports which are "conveyed are of the most absurd character, such as you have instances of in other quarters, that the "losses sustained by our soldiers are something enormous; that the Queen will not send any more "soldiers, that England is at war with America and Russia, and other parts of the world; that the "soldiers have been driven out of Rangiriri and Meremere; that Auckland is nearly depopulated, and "that the natives of the coast have only to go there to take possession. The latest accounts which "arrived while I was at Waiapu, spoke of 150 of Ngatiwhakane (a friendly tribe on our side) being "killed. (Three was the actual number.) It was to little purpose that I explained the onward march "of the troops to Awamutu and Maungatautari, my story was all English and one sided."



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An European settler, married to a Maori woman, and who had lived in the Ngatimaniapoto country during the whole war till a few weeks ago writes "April 19," "These tales of their losses (alluding to "Orakau) is nothing but a mass of falsehoods. They only admit some 30 or 40 dead on their side, but "the dead and wounded of our troops was the small number of one thousand four hundred."

These instances are only a few out of very many which might be selected. Some of the fabrications are plausible enough, others it would have been thought were too gross even for the credulity of men whose reasoning faculties have not been much exercised in weighing the evidence of facts, although they rather curiously present a very large amount of logical acumen in some other respects, the most remarkable being exhibited by the readiness with which they can frame an excuse for the justification of any fault with which they are charged. But veracity is not the most marked feature of their character; and it is certain that when their feelings are strongly interested, they are but little to be relied upon.

Ministers respectfully request that his Excellency will forward a copy of this memorandum to her Majesty's Principal Secretary of State for the Colonies.

WILLIAM FOX,  
6th May, 1864.

PAPERS relative to the proceedings of Pirimona, a Native Minister.

No. 1.

The Civil Commissioner, Waimate, to the Honourable the Native Minister.

Civil Commissioner's Office,  
Waimate, 9th October, 1863.

SIR,

From the tenour of Mr. Clendon's letter, a copy of which I have the honour herewith to enclose to you, it would appear that that the reports in circulation have a little perplexed that gentleman. I attach no importance to them, and merely send them to show the Government that we are not without busy emissaries of the enemy, who would gladly undermine Ngapuhi loyalty and confidence in the Government.

I think Mr. Clendon is mistaken in supposing, or giving credit that Pirimona, the native clergyman, is either the originator or circulator of these reports; I have long ago heard of similar exaggerations, and I know that they are common in the south.

The freak said to have been played upon the General (together with Aperahama Taonui's prophesy) must be amusing to that gallant officer; it carries on the face of it a perfect Maori fabrication, and is in character with many others continually in circulation.

I shall probably meet with Pirimona in the course of a few days, who no doubt will be amused when he learns from me what has been said he has been doing.

I have, &c.,  
(Signed) GEORGE CLARKE,  
Civil Commissioner.

The Honourable the Native Minister, Auckland.

Enclosure to No. 1.

The Resident Magistrate, Hokianga, to the Civil Commissioner, Waimate.

Resident Magistrate's office,  
Herd's Point, Hokianga, October 5th, 1863.

SIR,

I consider it my duty to inform you that there are several reports in circulation tending to unsettle the native mind, and to produce the worst effect amongst them. I am aware of the difficulty of dealing with mischievous reports generally; but in the present instance, the author may not be without the reach of reprimand.

Report 1st.—The natives of Waihou say, they have accounts of a fearful slaughter of Pakehas by King natives; about two thousand said to be killed and without loss to the Maori side; they had this information from the Waimate, from a native named Pirimona, an ordained minister, (said to be the author of all the late mischievous reports).

2nd.—At Ohaeawai, Pirimona said in the presence of several natives, that the general had made a night attack upon some place that he supposed contained a large number of Waikato natives; it was a large house, and had a number of doors on each side. The natives had made fires inside to deceive the general, who, supposing them to be sleeping, surrounded the house with one thousand men, and kept up a heavy fire of musketry for some time on the building, after which the doors were forced, and the military astonished at not finding any one inside. By the general's orders they retreated a short distance, lest they should be blown up with a mine. The natives being in ambush a little way off, suddenly attacked the troops in the darkness, and killed fifty men without any casualty on their side; and the general, fearing to lose his prestige for gallantry and daring, hushed up the matter without reporting the loss of his men. This report Pirimona said had been circulated by the Roman Catholics, and that he believed it.

I beg to suggest that if Pirimona is still in the neighbourhood of Waimate, that you should send for him in reference to the report, particularly referring to the Roman Catholics being his authority.

I have also heard that some Roman Catholic natives in this river have said the French will soon be here to help the natives, and what will become of the English then.

I have, &c.  
(Signed) JAMES R. CLENDON,  
Resident Magistrate.

The Civil Commissioner, Waimate.



No. 2.

The Resident Magistrate, Mongonui, to the Native Secretary.

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ZEALAND.

Resident Magistrate's Court, Mongonui,

November 2, 1863.

SIR,

I have the honour to inform you that this district has been thrown into a great state of excitement by the reports circulated by the Rev. Pirimona Te Karari, a native clergyman of the Church of England, who is making a tour through the north. On his arrival here he brought me a note of introduction from Archdeacon Williams, stating, that as I had been in communication with the bishop relative to the appointment of a native clergyman, I should no doubt be glad to see him, and that the bishop hoped that Mr. Pirimona's visit would induce the natives to exert themselves with a view of carrying out my wishes. On Mr. Pirimona's arrival at my house, I had some conversation with him relative to the natives of the district, and he left me the same afternoon to visit the natives up the Valley, arranging to meet me at Kaitaia and Ahipara on his return from the North Cape. On the following Friday, 9th October, Captain Butler called upon me at the Resident Magistrate's Court, and asked me if I had heard of Pirimona's conduct, as the natives had related to him strange tales of the successes of the Waikatos against the soldiers, and they (the natives) seemed very much excited. I told Captain Butler that I could not believe such tales, as Pirimona was an ordained clergyman, in whom I believed the bishop had great confidence. Since that, until I met Pirimona at Kaitaia in the presence of Mr. Puckey, on Wednesday the 21st, the excitement had increased to such a pitch, that after consulting with Mr. Puckey, who had also been told strange tales by the natives, I thought it well to speak to Mr. Pirimona, Mr. Puckey acting as interpreter. Mr. Pirimona did not reply, and I then requested he would give me a written statement which I could show the natives, as, under present circumstances, though the people are well disposed towards the Government, there were many wild young men, who might in a drunken fit embroil the whole community in war. I received the enclosed statement from Timoti Puhipi, son of the Chief Puhipi, who stated he had been desired to give it to me from Mr. Pirimona. I have sent the original, and you will observe it is not signed. I have not shown it to any natives, as I, as well as Mr. Puckey, considered it was more likely, as it appeared intended to do, to confirm the natives in the truth of the statements already made. After expressing my regret to Mr. Pirimona that he should have mixed himself up with such a question, more particularly as he must be aware how untruthful some of these statements were, I cautioned him not to continue to excite the natives in the other places he visited (he was going to Hokianga and Kaipara), as it appeared he was acting more as an agent for Waikato than as a minister of religion. He promised he would not; but I have considered it my duty to inform the Government that for the first time the natives have expressed an utter disbelief of the statements put forth by the Government; and though I am perfectly aware of the disposition to exaggerate, and the national vanity which would induce the natives to feel some pleasure in hearing of the prowess of their countrymen, though really enemies of their own, still they have ever shown a great regard for the Europeans and loyalty to the Government. The chiefs at Ahipara warmly expressed this feeling to me at Ahipara after Pirimona left, and requested that I would ask the Government to allow six or seven of them to go with me to Auckland to see for themselves if it was possible that the Waikatos were likely to be successful to the extent of endangering Auckland.

My own opinion is much in favour of this course being adopted after the troops have made a forward movement, as it would tend to dispel the doubt of our position; and, moreover, a personal interview in Auckland with the native minister and the Governor, I am satisfied, would do more to satisfy the minds of the chiefs than all the written communications which could be sent to them.

I have taken the liberty to express my own views, as I have known these people for so many years that I am well informed of their views and feelings, and I am quite aware that overtures have been made to them secretly by the Waikato chiefs; and perhaps the indulgence of their wishes in this instance might be the means of saving much trouble and expense hereafter.

Archdeacon Williams had heard of reports being circulated by Mr. Pirimona which excited the natives very much, and wrote to me asking me about it, and stating that his Lordship the Bishop would be much displeased at his conduct. I have sent the Archdeacon a copy of Pirimona's narrative of the war.

I have, &amp;c.,

W. B. WHITE,

Resident Magistrate.

The Native Secretary, Auckland.

## Enclosure in No. 2.

## Translation of Statement sent by Pirimona to Mr. White, Mongonui.

The Governor went to Taranaki and commenced to set his work straight there, and to make redoubts on his land at Tataraimaka. This land (Tataraimaka) is in the midst of Maori land (or is between Maori land). The Governor proposed to the chiefs there that the road should be made as far as Tataraimaka. One of the Ngatiawa chiefs, named Tamihana, said that it would not be right to make the road over Okurukuru, because that part was under or with the King. The Governor said, "Do not listen to the king, his is a foolish policy, that of the Pakehas is better—to give roads for all men (for the benefit of the public)."

Tamihana replied, "We have nothing to do with it, it rests with the king. Hearken, however, O governor, if you make your road over Okurukuru it will be the cause of bloodshed between us (lit. [that place] will be a pool of blood for you and me)." When the survey was made, it was seen that the Governor spake truly when he said that the road should go to Tataraimaka through Okurukuru. A letter was at once written to Matutaera. On reaching the Ngatimaniapoto it was opened and read;

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it never reached the king or Tamihana. It was replied to by Rewi and Herewini; they wrote a letter and put this war song at the end of it:—

"O! O! Who's that yonder, cutting up  
The fish of Ahia-roa?  
O! O! the pillow of the king falls.  
O! O! Kareanui gnaws at my heart.  
Plume of red! Plume of red!  
Plume of the kaka.  
We'll sing our war song at Kawhia.  
Surprise! Surprise! Fire!"

When this letter reached Taranaki, the eight Pakehas were murdered at Taranaki. Thereupon war was made upon the Taranakis, and the Taranakis' pa taken, and twenty-four Maoris killed. Sixteen fled and escaped. One Pakeha was killed.

Now the Taranakis and Waikatos did not approve of this work of murder. All the men held back; none went to aid them. When those sixteen men saw that they would get into difficulty, they said that they were merely workmen—that the Waikatos were the instigators. Hence it was that the war was turned upon Waikato. The Governor wrote a letter to the chiefs of Waikato to ascertain what their opinions were in regard to that murderous deed of the Taranakis, but no reply was returned. The Governor therefore concluded that the Waikatos sanctioned that proceeding, and in consequence a notice was issued to the men of Mangere, Pukaki, Waiuku, Pokeno, Patumahoe, and the Kirikiri, that they were to take the oath of allegiance and give up their arms. If they refused to give up their arms they were to go to Waikato. The consequence was that the men of Manukau left.

On the Sunday the troops crossed the Mangatawhiri. The men of Waikato said that if the soldiers crossed the Mangatawhiri they would at once be fired upon. Six days after the Waikatos attacked them, and there fell, at the Koheroa, fifteen Maoris and two Pakehas.

In the surprise at the Ramarama, on that same day, five Pakehas were killed and one Maori.

One week after that fight there was another at the Kirikiri, in which seven Maoris fell, and one thousand and eighty Pakehas were slain. The Maoris captured one hundred and fifty tents, two cannons, and two tents of powder. One officer was taken prisoner—his name was Kemara (Campbell?). The soldiers cheered twice on account of the bravery displayed by the men (Maoris) in taking the things from a dead officer in the midst of the engagement, and on account of the bearing away of the body of a dead soldier in the midst of the fight. We heard this account from a man who was in the engagement. It was not, however, believed, nor was it published in the newspapers. It was only reported that a telegram had been received on the day of the engagement to the effect that a great battle was being fought at the Kirikiri, and that 2,500 soldiers and 200 of the cavalry were surrounding the Maoris. No subsequent account was printed in the papers. The account (of the affair) came from the Maoris, who also gave the number of their dead as seven men. Afterwards the militia, who had taken part in the engagement, said that many of their number (the militia) had fallen, and that the things captured from the soldiers were as mentioned above.

The fight at Paparata was a night attack by the soldiers; the house was surrounded and fired upon by the soldiers. The Maories, however, had moved out, and were sitting to one side. They (the natives) fired from where they were, a little distance from the house, and killed fifty soldiers. Not a Maori was killed. It was those that buried the dead that told us of this engagement; it does not refer to what was told us by the people of the Native Office. I shall not say anything about the treacherous ambuscades of the Maoris; I am ashamed to relate the evil deeds of my own people. It is true that these days are theirs, it is payment, however, for their now being exterminated by the Pakehas. I don't know how peace can be made. Had Tamihana's policy been confirmed I should say that peace would soon be made. It is the Ngatimaniapoto that are behaving so badly, Tamihana and Mohi in vain order that no old men, women, children, or unarmed persons be killed. Rewi, who instigated the murders at Taranaki, was sent away with all his tribe, but the next thing we heard was that Mr. Armitage, the Resident Magistrate at Waikato, and two Pakehas were murdered by the Ngatimaniapoto, and when I left (Auckland) they were demanding that Waata Kukatai should give up Mr. Armitage's clerk to them to be put to death. This is a sign that they will soon be exterminated as they attack unarmed men. The grounds that the Waikatos had for this war was the crossing of Mangatawhiri by the soldiers, and the Governor's (ground for war) was the murders at Taranaki. Each had a separate ground. Had his policy been confirmed, I should say to you that peace would soon be made; as it is, the Ngatimaniapoto have again joined (in the war or joined the Waikatos), and ambuscade murders are on the increase, so that the Pakehas' side now is quite straight. However, it will be for Him alone, who is up above, to say that there will be peace, and peace will be made.

No. 14.

No. 14.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G

(No. 72.)

Government House, Auckland, May 7, 1864.

(Received July 14, 1864.)

MY LORD DUKE,

(Answered, No. 80, July 26, 1864, page 66.)

ADVERTING to my Despatch, No. 53,\* of the 6th April last, I have now the honour to enclose for your Grace's consideration the continuation of my correspondence with my Responsible Advisers regarding the disposal of the native prisoners on board the hulk "Marion," and I have the honour to request, that if your Grace deems it necessary, after a consideration of the case, to address to me any instructions regarding the mode in

\*Vide Papers  
presented  
July 1864,  
page 10.



which it is proposed to dispose of these prisoners who were taken by Her Majesty's forces, I may receive your commands on the subject.

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.

I have, &c.  
(Signed) G. GREY.

Enclosure 1 in No. 14.

MEMORANDUM.

Encl. 1 in  
No. 14.

THE Governor would observe in answer to the ministerial memorandum of the 7th instant, regarding the native prisoners detained on board the hulk "Marion," and who have been in confinement since November last, lest any misunderstanding should take place upon this subject, that what he is pressing for is not that these prisoners should be all brought to trial, but that some decision should be come to regarding their future disposition.

He has felt and still feels that when men have lost relations, lands, homes, and liberty, that they ought not to be kept prisoners on board a hulk in uncertainty regarding their future fate for any longer period than the necessity of the case may absolutely require; and some of the circumstances connected with the capture of these prisoners, render the Governor most anxious that they should as soon as possible know what is to be done with them.

The Governor also thinks that the uncertainty regarding the intentions of the Government in reference to these prisoners, is producing a bad effect upon the native population generally, many of whom it appears believe that all of them will ultimately be put to death.

In the Governor's opinion it would be sufficient to bring some of them to trial, whilst there are others whom it is unnecessary to proceed against, but who might be released on such conditions as the Government thought it necessary to impose. He, if the matter was left to his discretion, would also in all practicable cases, try the prisoners before the ordinary courts of the country, and not before courts composed of military officers.

Auckland 12 April, 1864.

(Signed) G. GREY.

Enclosure 2 in No. 14.

MEMORANDUM.

Encl. 2 in  
No. 14.

HIS EXCELLENCY THE GOVERNOR,

WITH reference to the Governor's memorandum of the 12th instant, ministers feel with his Excellency that the prisoners on board the hulk "Marion" ought not to be kept in uncertainty regarding their future fate for any longer period than the necessity of the case may absolutely require. The prisoners have fully understood from the commencement that their lives were not in any danger, and they have no apprehension on that point. It is only therefore as regards the length and nature of their imprisonment, that any uncertainty in their minds exists. As to the native population generally the uncertainty regarding the intentions of the Government may in some instances be producing a bad effect, although of this ministers are not aware; but on the other hand, ministers are assured that on some tribes not actually engaged in the rebellion, but sympathizing with it, the effect has been very good.

It must be borne in mind, that the object heretofore of keeping the prisoners in the confinement to which they have been subject has been, not for the purpose of inflicting punishment, but to ensure their safe custody in the only place available for that purpose. Ministers have considered safe custody of the first importance, as they felt assured that if the prisoners should escape, or be rescued by their friends, the result would be to give new life and vigor to the rebellion, and to undo a great deal of what has already been effected towards its suppression. Ministers still think it would be an unwise and dangerous experiment to permit any of them to have such liberty as would enable them by a breach of parole only to join their tribes and friends still engaged in active hostilities against the Queen's troops. Conditions as to residence or otherwise are easily made, but as easily broken, and there would be no means in the hands of the Government of enforcing their observance, nor of punishing their breach. Ministers are therefore of opinion, that all and not some only of the prisoners should be brought to trial, and that none should at present be released.

With regard to their ultimate disposal, it would be premature to attempt to settle that question until the court shall have disposed of their cases, but ministers have no difficulty in stating for the information of his Excellency their present views.

The offences of which the prisoners have been guilty are not greater than those of the men who are from day to day permitted to lay down their arms, and submit upon the terms that they shall not be made prisoners or punished in person, and it would be hard to subject the prisoners who have only been less fortunate to an unnecessarily disproportionate punishment. Ministers are therefore of opinion that when all danger to be apprehended from their being at large shall have ceased, the prisoners on board the hulk may be placed on the same footing as those who accepted the terms of submission offered by the Government, and the fact becoming known amongst their friends that such will be the course taken with the prisoners, when peace is established, will afford an additional inducement for submission. In the meantime (the trials being over) any indulgence consistent with safe custody might be allowed.

The trial of so many prisoners by the ordinary courts of the country for high treason would, however desirable on many grounds, be almost impracticable, and at all events, open to great objection on account of the delay and technicalities which attend such trials. The most convenient mode of trial will be under the Suppression of Rebellion Act, and a good court may be constituted, partly of officers of Her Majesty's regular forces, as required by the Act, and partly of gentlemen holding militia commissions who have not been actually engaged in the war, and who hold high social positions in the Colony.

Auckland, 19 April, 1864.

(Signed) WILLIAM FOX.

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Enclosure 3 in No. 14.

MEMORANDUM.

Encl. 3 in  
No. 14.

The Governor has received and considered the advice of his Responsible Advisers with regard to the disposal of the native prisoners on board the hulk "Marion."

The punishment the Government have already inflicted on these prisoners, and now advise the Governor hereafter to inflict on them amounts to this.

They have already been imprisoned on board a hulk in uncertainty as to their future fate for five months.

They have been deprived of their arms, their houses and property have been for the most part destroyed, their crops totally so, their horses, cattle, pigs, and poultry have all been taken, as have their ploughs and other agricultural instruments, fishing implements, and canoes and paddles; no means of subsistence now remains for themselves or their families, nor any means of procuring subsistence hereafter: they together with their families have in fact been deprived of everything but life. The whole of their landed properties, some of which are large and valuable, are regarded as forfeited to the crown; although from these the Government propose, out of consideration of the wants of themselves, their wives, and their children, to give them back an indefinite quantity, at the pleasure of the Government vaguely described as "enough for each man." Such a portion of land can be of but little value with no means of cultivating or cropping it or stocking it.

In addition to those punishments it is now proposed to bring all these prisoners, without reference to their degrees of guilt, or services, or conduct prior to the present disturbances, or during their continuance, to trial before military courts for high treason, and then the trial being over, to determine what their ultimate disposal shall be, keeping them however in safe custody until peace is established.

The Governor much regrets that his ministers should have rejected his earnest solicitations in favour of the chief Tioriori, which he made to them on the 29th of February last. He believes that many lives would have been saved by a compliance with his request. He cannot think that the uncertainty which the ministers have thrown over the intentions of the Government regarding the ultimate disposal of the influential chiefs, who are prisoners on board the hulk, has produced a good effect upon the native population; he on the contrary believes that the course pursued in this matter has driven many natives to desperation, and has filled others, who have as yet taken no part in the rebellion, with distrust.

He also does not see why if as ministers state their only object in keeping the prisoners in confinement has been to ensure their safe custody, they could not without further delay allow these prisoners every indulgence consistent with such safe custody instead of delaying to do so until the trials are over, which is the course they propose to adopt.

In reference to the parallel drawn by his Responsible Advisers between the case of the prisoners who laid down their arms, and of the other natives who are now laying down their arms, the Governor cannot see why conditions as to residence or otherwise should be more easily broken by one of these classes of persons than by the other; and he is firmly convinced that any captive New Zealand chiefs generously treated would never break conditions as to residence or otherwise into which they had entered to obtain freedom from actual imprisonment; he has never even contemplated this as a possible event.

On the whole the Governor entertains a firm conviction that from the circumstances connected with the manner in which the prisoners surrendered and from general consideration the punishment which his Responsible Advisers advise should be inflicted upon all the native prisoners, exceeds in severity that which Great Britain has ever before inflicted upon any people under similar circumstances, and he cannot take upon himself the responsibility of giving the orders requisite to give effect to this advice.

His Responsible Advisers will see that his position in this respect is very different from that of the crown in Great Britain. There all orders for the suppression of riots and rebellions, and for the punishment of rebels, are given by Responsible Ministers directly to the chief military and naval officers, and it is apparent to present and future times that they really were the persons responsible for what was done and that the crown took no direct action, and had no control in the matter. Here, on the contrary, from the peculiar relations existing between the mother country and a colony, the Governor is the person who in his own name issues all such orders to the military and naval authorities, such orders are in fact openly and ostensibly his orders, and he is in this respect really the servant of his Ministers. He also has none of the facilities for forming a new ministry which the crown has in England, or in the neighbouring colonies, for from the great distance of the several settlements from each other it is almost impossible for him to consult with different New Zealand statesmen, as to whether they will or will not undertake to form a new government. The Governor has also not only to issue orders on the advice of his Responsible Advisers, for the suppression of the rebellion, the punishment of prisoners, &c. to the colonial forces, but also to the senior naval and military officers of the forces of Great Britain, and there can be no doubt that he will be held responsible by the Home Government for any acts of which he may order the execution by their forces or for the ultimate attainment of which he directs the employment of their forces, if such acts appear to the Government and people of England to be unnecessarily severe, or unjust; or even if such acts would have a tendency to prolong without sufficient object a civil war in this country.

Government House,  
22nd April 1864.

(Signed) G. GREY.

Encl. 4 in  
No. 14.

Enclosure 4 in No. 14.

MEMORANDUM.

HIS EXCELLENCY THE GOVERNOR,

MINISTERS regret that a careful consideration of his Excellency the Governor's memorandum of the 22nd instant leads them to the conclusion that a serious difference of opinion has arisen between his Excellency and themselves in reference to the prisoners on board the hulk "Marion."



These prisoners have hitherto been treated, not as persons charged with grave offences, but as persons whose temporary safe custody was necessary for the public interests. It was the desire of ministers that this state of things should continue for the present, but they have been so earnestly pressed by the Governor to put an end to it, and make some final disposition, that they consented, in deference to his Excellency's wishes, to tender him advice on the subject.

Two courses only appeared to be open, either to try the prisoners before some competent court, or to release them upon parole. The latter course ministers felt would be a dangerous experiment, and necessarily therefore advised the adoption of the former.

Apart then from questions of minor importance with which the subject is mixed up, the substantial point of difference between the Governor and his advisers is this. His Excellency desires at once to release the prisoners, or at all events some of them, upon parole. Ministers' objection to that course is insuperable, they desire that the prisoners should, at all events for the present, be kept in safe custody; but whether without trial or after trial, ministers consider not to be of essential importance.

Ministers regret that his Excellency should feel that the great distance of the New Zealand settlements from each other opposes any serious obstacle to his forming a new government, entertaining his own views, for the purpose of carrying out his policy; but they beg to be allowed to say that having regard to the frequent and rapid communication by steam, they consider that his Excellency overrates this difficulty, and they assure him that they shall be ready to render their best assistance towards removing or obviating, as far as possible, any obstacle of this nature.

They think it, however, their duty to place on record that the policy on which they are acting received the support of large majorities of both Houses of the Assembly during the last session, and was embodied in its legislation; that all the advice they have hitherto tendered to his Excellency has been in strict conformity with that policy, nor have they in any respect seen the smallest reason to change their opinion as to its sufficiency to solve the difficulties of the present crisis.

There are several matters referred to in his Excellency's memorandum upon which ministers desire to be permitted to add a few remarks:—

1. In attributing to the present Government the infliction of the long list of punishments so minutely detailed, his Excellency appears to have altogether overlooked the fact that, as regards many of the prisoners, all their losses, except their liberty and arms, took place before the present Government came into office, and were the result of a plan of operations devised by his Excellency, and carried out under his directions before responsibility in native affairs was accepted by the Colony, and that as regards many other of the prisoners, they have suffered no loss of any kind, except their liberty and their arms, for troops have never yet entered their country.

2. Ministers did not propose to try the prisoners before a military court for high treason. A principal objection to the civil court was that ministers did not clearly see what other charge than treason could be properly preferred, while on the other hand the Suppression of Rebellion Act afforded an opportunity of framing other appropriate charges for trial by a military court; and hence one reason for ministers' preference to the latter tribunal.

3. Ministers feel that the case of Tioriori is a special one; they recognize his claims to consideration, and are fully prepared to treat him generously, but they cannot feel that it would be safe or prudent to place him in a position in which his only restraint from rejoining his tribe and friends who are still in arms would be his parole. It is well known that Tioriori is infirm of purpose, and that in joining in the rebellion he suffered himself to be over persuaded by his tribe and friends, and yielded against his own convictions to their pressure. Ministers cannot believe that it would be judicious to place him for the present in a position in which he will possibly be again subject to the same influences.

4. Ministers agree with his Excellency that conditions as to residence or otherwise could be as easily broken by persons who lay down their arms as by prisoners who are released from imprisonment on similar conditions, but his Excellency does not appear to recognize the difference of our position as regards these two classes. Those of one class we have taken with arms in their hands, and are therefore in a position to use the best means in our power for providing for own protection, whereas those of the other class are induced to submit upon the express condition that they shall not be imprisoned—terms which we grant, not because we feel assured that they will not be broken, but because we deem it desirable to make offers which will have the effect of thinning the ranks of the enemy, notwithstanding that there may be some risk of those who accept them returning at a future time, a risk which, in the opinion of ministers, would become imminent if, unhappily, our arms were to suffer any serious reverse in the field. Ministers cannot entertain the same exalted opinion of the parole of a New Zealand chief as that to which his Excellency gives expression, and the recent conduct of Ruihana, Kereopa, and other chiefs at Maungatautari, who accepted the terms of submission, gave up their arms to General Cameron, signed a declaration to the effect that they would bring in their people on the next day but one, went back to the enemy's camp on the following day, and have not since returned, strongly confirm ministers as to the correctness of their views on this point.

5. Ministers are at a loss to understand his Excellency's observations on their advising him to inflict punishment on all the native prisoners exceeding in severity that which Great Britain has ever before inflicted on any people under similar circumstances. Ministers are not aware of ever having given any advice which can in any way bear out such a charge. They have never advised the infliction of any punishment whatever, except so far as the restraint of liberty necessary for safe custody may be called punishment and the confiscation of lands, neither of which is new in the history of rebellions against British authority. As fully explanatory of the treatment the prisoners in the hulk have received at the hands of the Government, ministers transmit the enclosures specified in the margin.\* These do not appear to require any commentary.

On the subject of imprisonment for safe custody, ministers may refer for a precedent to the case of the native chief "Rauparaha," who was imprisoned in 1846, under the express direction of his Excellency then Governor of New Zealand, and they believe that an examination of the circumstances of that case would not tend to place the present imprisonment of the natives in an unfavourable contrast. Rauparaha was taken when not engaged in actual fighting, was kept for nearly a year a close prisoner on board a man-of-war, was never brought to trial, and during the far greater

\* Extract from  
N.Z. Gazette,  
No. 2, Jan. 18,  
1864,  
Memo. by  
Mr. Fox,  
May 3, 1864.

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portion of his whole period of imprisonment no hostilities were taking place between the natives and Her Majesty's troops in any part of New Zealand. If motives of political expediency at that time justified Rauparaha's imprisonment, similar reasons now exist in far greater force with reference to natives who were captured fighting, and who are imprisoned while their friends and allies are still waging war.

6. Ministers do not fully understand the object of his Excellency's observations on responsibility. They recognize, of course, that there must be an important difference between the practice of responsible government in England and in a colony; but if his Excellency means that responsibility for the acts of the Government in New Zealand rests with him and not with them, they feel it to be their duty respectfully to express their dissent from that view.

Auckland,  
26th April 1864.

(Signed) FREDK. WHITAKER.

Colonial Secretary's Office (Native Department),  
Auckland, January 12, 1864.

THE following Abstract of the Reports of Mr. T. A. White, interpreter for the Maori prisoners on board H.M.S. "Curaçoa," and afterwards on board the hulk "Marion," is published for general information.

(Signed) WILLIAM FOX.

1863.

November 26.—100 prisoners placed on board H.M.S. "Curaçoa,"

November 29.—78 prisoners placed on board H.M.S. "Curaçoa."

November 30.—Tioriori, who received three wounds at Rangiriri, had left thumb amputated. Pairoroku and Penchamene also wounded are doing well. The rest of the prisoners are quiet and orderly. No complaints.

December 1.—Wounded prisoners are doing well. Maka Hangoro has an abscess in left arm. 30 prisoners found to be suffering from *hakihihi*. General conduct of the prisoners is good; they appear cheerful and satisfied with the kindness they receive from the officers and men.

December 2.—Sick and wounded progressing favourably. No complaints; all quiet and orderly. Prisoners wash twice a day.

December 3.—*Hakihihi* spreading amongst the prisoners, and their clothing infected with vermin. Lieut. Young considered that exercise would be good for them, on which twenty young men volunteered to wash down the deck they occupy. The wounded are doing well. No complaints.

December 5.—Sick and wounded are progressing favourably. Issue of blankets and clothing authorized by Mr. Fox as far as necessary.

December 6.—Ta Kerei Te Rau asked for more bread. As the natives were receiving the regular allowance,  $\frac{3}{4}$  rations, viz.:

- $\frac{1}{3}$  of an oz. of coffee
- $\frac{1}{6}$  of an oz. of tea.
- 2 oz. of sugar.
- $\frac{1}{2}$  an oz. of salt.
- $\frac{3}{8}$  of an ounce of pepper.
- $\frac{3}{4}$  of a lb. of meat.
- $\frac{1}{4}$  of a lb. of bread

—an increase only of bread was allowed, at the same time diminishing the meat. The Venerable Arehdeacon Maunsell, who visited the "Curaçoa," said the prisoners were wonderfully improved in condition since they went on board. Sick and wounded doing well, and general conduct good.

December 7.—Wiremu Kumete and other prisoners stated that before they were brought away from Rangiriri, the soldiers took their blankets and other clothing, and that they feel the cold very much. Conduct quiet and orderly; sick and wounded going on favourably.

December 10.—Conduct of prisoners quiet and orderly; sick and wounded doing well.

December 11.—Wounded doing well; twenty-six of those suffering from *hakihihi* nearly well. General conduct of prisoners quiet and orderly. They assist readily in washing down the deck, and express their thanks for the kind manner in which they are treated by the soldiers and the sailors.

December 12.—Sick and wounded progressing; no complaints.

December 13.—Similar report.

December 14.—The prisoners continue to conduct themselves well; they wash regularly twice a day, attend to their clothes, and present a much more healthy appearance than when they first came on board. Sick and wounded doing well.

December 15.—Similar report. Clothing ordered has been received to-day.

December 17.—Prisoners express their thanks for the kind treatment received by them; all quiet and orderly.

December 18.—Forty prisoners still under treatment from *hakihihi*; the wounded doing well; general conduct good.

December 19.—About 60 prisoners affected with itch; one case of diarrhoea. Conduct good; no complaints.

December 20.—Sick and wounded going on well. All quiet and orderly.

December 21.—Similar report.

December 22.—Sick and wounded progressing favourably. Penchamene quite well. Hospital: one diarrhoea, one sore throat, one sore eyes, 60 itch.

December 28.—Sick and wounded going on favourably. No complaints; all quiet and orderly. Hospital: one sore throat, one sore eyes, 40 itch.



- December 29.—Similar report. Tangata Ware Īwitaia removed by warrant and placed in the Auckland gaol, on charge of having murdered James Drumgould at the Mauku.
- December 30.—Sick and wounded going on well; all quiet and orderly. Four of the prisoners are told off as cooks and seven as stewards to each company daily; others wash the deck.
- December 31.—Sick and wounded going on well; no complaints. General conduct good. One blanket has been served out to each prisoner, for night use only. Hospital: one wounded, one sore eyes, two diarrhœa, 40 itch.

1864.

- January 1.—Prisoners are satisfied with the arrangements made for them on board the hulk "Marion;" all quiet and orderly. Sick and wounded doing well. Hospital: one wounded, one sore eyes, two diarrhœa, 40 itch.
- January 2.—Sick and wounded going on favourably; habits of cleanliness strictly adhered to. All quiet and orderly; no complaints. Hospital report same as yesterday.
- January 3.—Similar report.
- January 4.—Sick and wounded going on well. No complaints. Hospital: one wounded, one sore eyes, one gathering on knee, two diarrhœa, 30 itch.
- January 5.—General conduct of prisoners good. Hospital: one wounded, one gathering on knee, two diarrhœa, four sore throats, 30 itch.
- January 7.—Sick and wounded progressing favourably. No complaints. General conduct good. Hospital: one wounded, one gathering on knee, one diarrhœa, four sore throats, 25 itch.
- January 7.—Similar report, with the exception of one sore throat cured.
- January 8.—Sick and wounded going on well; all the cases of itch cured. No complaints. Conduct quiet and orderly. Hospital: one wounded, two sore eyes, two gathering on knee, one diarrhœa, one worms.
- January 9.—Similar report.
- January 10.—Similar report.
- January 11.—Sick and wounded as before. Te Wirihana Huiputea brought in from the Queen's Redoubt, Pokeno, and placed on board the hulk "Marion." All quiet and orderly. Hospital: one wounded, two sore eyes, two gathering on knee, two diarrhœa, one worms.
- January 12.—Sick and wounded going on well. No complaints. Hospital: one wounded, two sore eyes, two debility, one sore throat, one dysentery, one scrofula, one boil.
- Divine Service has been conducted in Maori every Sunday by clergymen of the Church of England and Wesleyan Church, and occasional visits have been paid by the same clergymen during the week.

## ARTICLES SUPPLIED FOR USE OF NATIVE PRISONERS.

*Drugs, &c., required by Dr. Slade.*

|                           |   |   |   |   |   |   |         |
|---------------------------|---|---|---|---|---|---|---------|
| Sulphur                   | - | - | - | - | - | - | 5 lbs.  |
| Cream of tartar           | - | - | - | - | - | - | 10 lbs. |
| Lint                      | - | - | - | - | - | - | 1 lb.   |
| Adhesive plaster          | - | - | - | - | - | - | 4 yds.  |
| Calico                    | - | - | - | - | - | - | 6 yds.  |
| Compound sulphur ointment | - | - | - | - | - | - | 28 lbs. |

*Clothing.*

|          |   |   |   |   |   |   |          |
|----------|---|---|---|---|---|---|----------|
| Blankets | - | - | - | - | - | - | 178 prs. |
| Trowsers | - | - | - | - | - | - | 176 prs. |
| Shirts   | - | - | - | - | - | - | 176 prs. |

*Other Necessaries.*

|                   |   |   |   |   |   |   |          |
|-------------------|---|---|---|---|---|---|----------|
| Towels            | - | - | - | - | - | - | 36       |
| Soap              | - | - | - | - | - | - | 100 lbs. |
| Hair combs        | - | - | - | - | - | - | 24       |
| Small-tooth combs | - | - | - | - | - | - | 12       |
| Scissors          | - | - | - | - | - | - | 6 prs.   |
| Thread            | - | - | - | - | - | - | 1 lb.    |
| Needles           | - | - | - | - | - | - | 1 doz.   |

## MEMORANDUM FOR HIS EXCELLENCY.

THE Maori prisoners taken in arms during the Waikato campaign, and up to this time detained in confinement in the harbour of Auckland having been the subject of recent communication between his Excellency and his Responsible Advisers, and being regarded by both as entailing a very grave responsibility on the Government of the colony, the Colonial Secretary begs to submit to his Excellency the following brief summary of the circumstances attending their imprisonment and their condition at the present time. He has also appended an account of a visit paid to the hulk by the reporter of one of the Auckland newspapers, who, in common with the other representatives of the local press, was recently admitted to inspect the floating prison and its inmates, and which contains a very fair description of them, so far as a casual but careful observer could examine into the subject during a single visit.

His Excellency will perhaps think this memorandum of sufficient interest to justify its transmission to Her Majesty's Principal Secretary of State for the Colonies.

The greater number of these prisoners were taken at the capture of Rangiriri, on the 21st of November 1863, were sent in immediately after that event, and by the obliging permission of Com-

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modore Sir William Wiseman, Bart., were placed on board of H.M.S. "Curaçoa," where the bulk of the crew being ashore as a naval brigade, there was ample room on the main deck for the captured Maoris. Every possible care and attention was bestowed upon the prisoners by Lieutenant Yonge, the senior officer on board, by the officers and men of all ranks, and by Dr. Slade, of H.M.S. "Miranda," who visited them daily, and expended much professional labour upon them. Mr. T. A. White, interpreter, an officer of the Colonial Government, was placed on board as superintendent of the prisoners, and as the medium of communication between them and the ship's people. On the 17th of December, it is recorded in Mr. White's official diary, that the prisoners "express their thanks to the officers and men for the kind treatment they have received on board, and the kindness shown to them by the soldiers (the guard, a party of H.M. 50th Regiment) and sailors is more than they deserve."

On the 24th December the hulk "Marion," formerly a bark of 450 tons, having been properly fitted up and moored immediately abreast of the town, under the guns of the "Curaçoa," the prisoners were removed on board. A guard of 50 men of the Colonial force, chiefly Germans, under the command of Captain Krippner, was placed on board. The superintendence was again committed to Mr. T. A. White, and Dr. Sam (a graduate of the University of Oxford, and M.R.C.S.L.), appointed medical attendant on board.

Divine Service has been held generally twice on every Sunday by ministers of the Church of England and Wesleyan denominations (there was only one Roman Catholic prisoner), and visits have been paid by ministers of religion almost every day of the week. Orders have been issued as a matter of course to ministers of religion, whenever asked for.

A supply of New Testaments in Maori, and slates, pencils, and some elementary books have been given; under the voluntary care of Mr. White several classes for elementary instruction have been formed; and a considerable number of the prisoners have learned reading, writing, and arithmetic. The Testaments are in constant use.

Such games as they are accustomed to, and are capable of being played on board of ship, such as draughts, a great favourite among Maoris, and at which they are great adepts, are permitted. Fishing lines and hooks have also been served out, which both alleviate the tedium of imprisonment, and afford a wholesome variety of food.

When first brought on board the "Curaçoa," and even to the date of their removal on board the hulk, there was much disease among the prisoners, chiefly arising from poverty of diet and dirty habits. They were clothed in filthy and tattered rags, and more than half were eaten up with a very bad sort of itch extremely difficult to eradicate. These diseases have been now almost entirely removed by the unremitting care of Dr. Sam. Personal cleanliness has been enforced to the utmost by the discipline enjoined by him and Mr. White, and a good supply of clothing, blankets, and other necessities has been constantly provided. The same liberal scale of rations has been allowed as is usual for prisoners waiting trial in common prisons in the Colony, with such additions as the fishing lines, or occasional presents from natives may have afforded. The whole of the prisoners have improved very greatly in health and general condition, so much so, that those who saw them at the time of their capture now scarcely recognise them. One death only has occurred, that of Te Rakatau, a chief of no great note, the cause being dysentery. A number of the other prisoners were allowed to attend his funeral ashore.

Little or no depression of spirits has existed among the prisoners, which has no doubt very greatly contributed to the general health of the ship. They seem to have become aware, early after their capture that their lives would be spared, and that when the war was over they would be allowed to return to their own country, or be sent to some island on the New Zealand coast, for which some of them have expressed a strong desire.

The great improvement in their general health, and the entire absence of all complaints of their treatment, whenever they have been visited by members of the Government and by many other persons, including the ministers of religion, affords strong evidence that their confinement so far, has not weighed very heavily on their minds. In addition to the conviction that no serious punishment would be inflicted upon them, the Colonial Secretary attributes their cheerful tone of mind chiefly to the very strong personal interest exhibited towards them by all the officers on board the hulk; and considers that the selection which was made of the gentleman in charge has been most fortunate.

The conduct of the prisoners has been most unexceptionable during the whole period of their confinement. Only one instance of a refusal to conform to the established rules having been reported, the case being that of a chief who refused for a couple of days to perform the usual ablutions.

The entire number of prisoners at this date is one hundred and ninety-seven.

A daily report of the general condition of the prisoners and a daily medical report have been regularly sent in to the Colonial Secretary by Mr. White and Dr. Sam, specimens of these documents are appended.

The Colonial Secretary begs to express his conviction that under all the circumstances no establishment of a similar nature in Her Majesty's dominions is better managed, nor would bear a closer inspection than the prison ship "Marion."

3rd May, 1864.

WILLIAM FOX.

#### MEMORANDUM.

THE Governor has received from his Responsible Advisers a memorandum upon the subject of the treatment of the Maori prisoners on board the hulk "Marion," which, in compliance with their wishes, he will have great pleasure in transmitting to the Secretary of State with the other papers.

As ministers remark, the detention of these men on board a hulk for so long a period of time entails a very grave responsibility on the Government of the Colony, including the Governor. It would, therefore, be a great satisfaction to him if the Government would allow a medical board, composed of naval and military surgeons, to be appointed a commission to inquire and report whether the prisoners can with safety be retained in confinement on board the same hulk during the winter; and, if so, if it is necessary to make any, and what, changes in the system of confinement to which they have hitherto have been subjected.

May 4, 1864.

(Signed) G. GREY.



## THE MAORI PRISONERS.—A VISIT TO THE HULK.

It is so long since the flower and chivalry of Upper Waikato have been under the painful necessity—through no fault of British rule, however—of quitting their paternal estates, and of accepting the hospitable treatment which they are known to receive as prisoners of war on board the “Marion” hulk, that one begins to look upon that very antique model of a clipper, with her living freight, as one of our institutions, which shall last as long as copper and copper fastenings are a proof against the rude billows which during a nor-easter occasionally ruffle the usually placid waters of the Waitemata. The question of “What shall we do with our Maori prisoners?” was one which at first was frequently put, and as frequently answered, and answered too in a hundred ways, according as they were viewed as prisoners of war entitled to our clemency, as rank rebels who could never by any process of civilization be converted into loyal subjects, or as murderous villains who had defiantly outraged the law, and for whom no punishment was too severe. When the excitement caused by the loss of many brave men was over, and the thinking portion of the public began to reason on the subject, the location of our prisoners of war appeared to be a more difficult problem to solve than was at first supposed, and those whose duty did not call upon them to express an opinion, very properly left the matter in the hands of the Executive. The result was, as we all know, that the “Marion” hulk was fitted up as a floating prison for them, to which they were removed from the “Curaçoa,” and here they have remained for the last few months, with plenty to eat and drink, and wanting nothing but their liberty. We paid a visit yesterday to the Maori aristocracy of Waikato—not as they were hunting in their native forests, or fighting for their paternal acres, or to change the scene, making night hideous with their yells, and tomahawking their victims—but in an ignoble state of idleness on board the hulk. Of course we could make a very poetical scene out of our visit, and could, if inclined to give scope to our imagination, picture to our readers the noble savage casting longing eyes through the port holes towards the broad lands of Waikato, and sighing for that greatest blessing of life—liberty! But it is not our purpose to do so, but to simply describe in as homely language as possible, the way in which the Maori prisoners have been treated since the chances of war placed them at our mercy. Those who saw the prisoners when they were brought in from Rangiriri, must have been struck with their squalid and wretched appearance, looking as if they were half starved, and were a company of beggars collected from the ends of Maoridom. The intimation, too, that there were chiefs amongst them—great, noble, and powerful chiefs—who would require a ready reckoner to count their possessions, and that these were the men who so gallantly defended Rangiriri, and so prudently surrendered themselves afterwards, must have seemed almost like an insult to one’s common sense; but nevertheless such was the case. But the scene now is very different. The civilizing influence of good living and the observance of proper sanitary arrangements seem to have had a wonderful effect upon the lean, hungry, dejected looking kine who were marched down from the front a few months ago, in changing them into strong, robust, plump-looking Maoris, who if set at liberty to-morrow, would be an army in themselves, and would be equal to the severest campaign that could be imposed upon them. But let the gentle reader not be alarmed; our Maori guests are not going to be released, just yet; for whatever changes are to be made in their location, they will be kept out of harm’s way, both for our own sakes and theirs. Ascending the somewhat water worn sides of the old hulk, and presenting our authority for admission—for it is only by a special order from the Colonial Secretary that such is obtained—we found ourselves, by the politeness of Mr. White, the government interpreter, and Mr. Wilson, the officer of Captain Krippner’s company who was in charge at the time, partaking of their hospitality, and shortly afterwards making a tour of observation through the vessel, accompanied by the former gentleman. Next to our surprise at seeing such a fine, hearty, cheerful looking lot of Maoris on board, was that of witnessing the order, regularity, and cleanliness that were observed. Most persons have some time or other been on board a man-of-war, and have wondered no doubt how, with so many living souls clustered together, so much order—and that virtue which is next to godliness—has prevailed. Strict attention to discipline is the cause of it, and the application of this principle to the “prisoners of war,” has made them what they were not before, decent looking respectable Maoris. Those who picture to themselves the Maoris in the hulk as being like newly caught birds of the forest enclosed in a cage, and pining away under the deprivation of their liberty, have a very erroneous notion of their real state. The reverse is positively the case, for to our ken they appeared to be as jolly and as self-satisfied of their safety as persons in their position could possibly be. On descending on to the main deck, we found groups of five or six, here and there, intently engaged in a game of draughts, or a Maori adaptation of the game, the board being the same but the moves different; and it was with great glee that the conqueror cleared his opponent’s men off the board, an example of skill in the game which was readily applauded by the other Maoris couched down beside the players, and who were carefully watching the game. Well scraped and scrubbed decks and bunks, the orderly arrangement of the various appurtenances of bedding and wardrobe, the clean but simple clothing of the prisoners,—which consists of a pair of duck trousers, a Scotch twilled shirt, and a waistband,—the thorough ventilation of the vessel by port holes and wind sails, and the orderly conduct of the prisoners, was pretty clear evidence that Mr. White’s management of them is all that could be wished, and that he has displayed an amount of care in studying their health and comfort which the most fastidious Maori sympathisers could not complain of. A large proportion of the prisoners are young men who were probably training for warriors, and had only smelt powder, in the dangerous sense of the expression, since the present war began. These, for the most part, seemed utterly careless of their position, and grief at their confinement is certainly not a feeling that one would attribute to them. Others again were middle aged men, who had probably seen some service; and one of them, a chief, an intelligent and, we may say, a somewhat intellectual looking Maori, was pointed out to us as having carried the king flag to the south when the war began. He now, however, acknowledges the error of his ways, and submits cheerfully to the mild punishment he is receiving, by being prevented from doing further mischief. The Maori custom house officer, who made himself so conspicuous at the time of the seizure of Mr. Gorst’s printing plant, was next brought under our notice. He was playing draughts, and a familiar pat on the back from Mr. White, and the words, “He’s a great favourite of mine,” made the ex-Maori customs officer look up from his game, and with a happy-go-easy sort of



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air recognise his friend; and we may say Mr. White seems to be a true friend to them all. If they turn rusty with the wardens, a kindly word from him is received as law. Several other celebrities were pointed out to us, including the great landed proprietor of Waikato, whose name we have not at present at our tongue's end, and who seemed for the time to be—metaphorically—standing upon his dignity, for he was seated under one of the bunks, and apparently more thoughtful than communicative. With very few exceptions, however, there was a cheerfulness amongst the whole of the prisoners which could only be brought about by comfort and good treatment. One good looking chief, whose expansive forehead and amiable and thoughtful looking countenance bespoke superior intellectual powers, was anxious to know from Mr. White when he would be set at liberty. That gentleman, of course, exercises his judgment in his replies to their various queries, and in this case we understood his reply to be that there was no prospect of it at present, as William Thompson still continued to make war against the Queen's authority. Covered with his blanket, and reclining on his rough couch in an easy posture, he conversed for some minutes in an apparently earnest tone with Mr. White. While this was going on we scrutinised more closely what we saw around us. Several Maoris were either seated or reclining in their bunks, the most of them good and intelligent looking fellows, and some of whom recognised the presence of a visitor by a polite nod of the head and an offer of their hands, which was as politely acknowledged. The deck of which we are now speaking was the only one that was occupied by the prisoners until a month or two ago, as the lower part of the vessel was used as coal bunkers. The prisoners, however, were so crowded that all the coal except what was used for the vessel was taken out, and Mr. White planned and fitted up a lower deck apartment, which is much more roomy and commodious than the one above it. This is 25 feet wide by 87 feet long, with rows of bunks on each side, the prisoners lying along the breadth of the vessel, and by this addition, Mr. White informs us that there is accommodation for 350 Maoris on board. It was upon this lower deck that we next descended, and the height between decks being 7 feet 3 inches instead of 5 feet 9 inches, as above, locomotion was much easier. If we had a favourable impression of the comfort and cleanliness of the upper deck apartment, the appearance of the lower one was much more calculated to favourably impress us; in fact, we could not speak too highly of the orderly conduct of the ex-rebels themselves, or the careful management which has induced it. Groups of Maories were seated here and there, some playing at draughts, others sewing their clothes, others lolling on their bunks, and others at full length peering through the port holes at the objects around them, and one, who for a wonder spoke very good English, as few of them do, said he was looking at the steamer. Smoking is a favourite diversion of such of the prisoners as indulge in the weed, but they are not supplied with it by the Government, but receive it in presents. The General made them a present of a case of tobacco, and Judge Johnston sent them 10 lbs. the other day. We were shown a sample of tobacco in the possession of one of them, of native growth, like the twist negrohead, but lighter in colour and much stronger it is said in flavour. Very few of the prisoners are maimed. One had his arm amputated at the Queen's Redoubt, and another had his arm so fractured that he has lost the use of it. It appears that the skill of a Pakeha surgeon is appreciated by some of the Maoris. One young man who wished to get rid of the inconvenience of the deformity of having one toe too many, asked Dr. Sam, the medical attendant, to amputate it, which the doctor did successfully by putting his patient under the influence of chloroform. There is a great difference in the complexions of the prisoners, some being very dark, and others so light that they might be taken for half-castes. There were only two half-castes, however, amongst them; one, an intelligent lad of about 13, who was removed to the Catholic college on the North shore; and another, about 20, who still remains on board. One prisoner has died since he came to the hulk, and a few are now suffering from simple diseases. There are altogether 197 prisoners on board, and three of these were taken at the siege of Orakau, and were only recently brought down. We now append the following particulars, to give the reader an idea of the daily routine on board the hulk. The prisoners are called up at daylight in the morning, according to their numbers, from 1 to 8: These numbers mean divisions, which are named as follows:—No. 1, Ngatihana, 26; 2, Ngatipubiawe, 25; 3, Tainui, 26; 4, Ngatiteata, 25; 5, Ngatimahuta, 28; 6, Te Nganugau, 24; 7, Te Kiriwai, 28; 8, Ngatiapakura, 15; the total being 197. On being called, they wash themselves in rotation, and that operation having been finished by eight o'clock, they then breakfast. Three cooks and sixteen stewards are appointed amongst the prisoners, and seven more are appointed to wash decks. These duties are all taken in rotation. Two more are told off to be stationed at the hatchway, for the purpose of admitting only one company on deck at a time, either to wash or scrape the deck. After breakfast the whole of the cooking and breakfast equipage is washed up, and religious services are performed amongst the prisoners, a native monitor (a prisoner) officiating. They then employ themselves in scraping the upper and lower decks, washing and scraping them every day alternately. The prisoners have a clean change of clothing every Sunday and Thursday morning. They have dinner between twelve and one, tea between four and five; and the rations served out to them daily are 1lb. biscuit, 1lb. of meat, and the same allowance as the soldiers have of tea, sugar, coffee, salt, and pepper. About 5 o'clock p.m. they have their evening religious service, and then wash decks, and they retire to rest at dusk. Many of the prisoners are pretty good scholars, considering the advantages they have had, and we noticed some of them writing and figuring on their slates—seven dozen of which have been distributed amongst them. Mr. White frequently gives them lessons in arithmetic and writing, and has appointed eight of their number, who are more advanced than the others, to superintend their schools. There is a part of the hulk partitioned off as a hospital, but there are few patients in it. There are ten on the sick list now, and twenty-six is the highest number that have been so. These were laid up with the following diseases:—three, dysentery; three, boils; one, scrofula; nine, cough; six, itch; four, constipation. A daily, weekly, and monthly report is sent into the Government by Mr. White, whose authority on board, as it regards the general management of the prisoners, is supreme. The vessel is fumigated once a week. One of the diversions which the prisoners have is fishing, and two lines are served out to each company, and they frequently catch sixty or seventy snappers in the day, which are very acceptable food for the sick. The prisoners were in the "Curaçoa" from the 25th November to the 24th December, and since



then they have been in the hulk. Mr. White has been with them the whole time, and brought a hundred of them down from Papakura. The stores for the rebels are supplied by the native office. The guard on board, to prevent the rebels from escaping and to preserve order, consists of fifty men of Captain Krippner's company of Waikato Militiamen. Captain Krippner is in command, and his responsibility extends simply to preventing the rebels from escaping, and, as our gallant friend observed, shooting them if they attempt it. They have not, however, attempted it, and Captain Krippner and his second in command, Ensign Wilson, have been able to reserve their fire. They are both gentlemanly and efficient officers, and we believe carry out their duty strictly. The duty is far from an agreeable one, but as only one-third of the men are on guard at a time, they have frequent opportunities for going on shore, and thus relieving the tedium of it. Four sentries are always stationed at the most commanding positions on deck, and these have loaded revolvers. Another is stationed at the bow of the vessel with a platform round it, so that he can command either side of it should an attempt at escape be made by jumping overboard; in fact, Captain Krippner's arrangements for keeping his prisoners safe seem to be as perfect as they could be. Such is the result of our observations on the state of the prisoners on the Maori hulk. If we had more time, we would probably have been able to put them in a more readable shape; but even as it is, we trust they will be in some degree interesting to our reader.—“Daily Southern Cross,” April 20.

## DAILY REPORT of the Sick Maori Prisoners, hulk “Marion,” 20th January 1864.

| No. | Disease.                 | Remarks.                                                                                                                                                                     |
|-----|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1   | Vulnus sclop. - -        | The prisoners under medical care are progressing very favourably. The cases of psora are also decreasing; and there seems to be no inclination of an increase of complaints. |
| 1   | Ophthalmia; discharged - |                                                                                                                                                                              |
| 2   | Debility - -             |                                                                                                                                                                              |
| 5   | Dysent., chronic - -     |                                                                                                                                                                              |
| 4   | Abcess - -               |                                                                                                                                                                              |
| 1   | Scrofula - -             |                                                                                                                                                                              |
| 2   | Psora - -                |                                                                                                                                                                              |
| 2   | Catarrh, ac. - -         |                                                                                                                                                                              |
| 4   | Cynanche tonsil. - -     |                                                                                                                                                                              |
| 1   | Contusio; discharged -   |                                                                                                                                                                              |
| 1   | Obstipatio; discharged - |                                                                                                                                                                              |
| 1   | Dyspepsia - -            |                                                                                                                                                                              |
| 22  | Sick.                    |                                                                                                                                                                              |

(Signed) . S. SAM, Surgeon in Medical Charge.

## DAILY REPORT of Sick and Wounded Maori Prisoners on board the hulk “Marion,” April 13th 1864.

| No. Sick. | Nature of Disease. | General Conduct. | Complaints. | Remarks.                                                                                                                                                                                                                  |
|-----------|--------------------|------------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2         | Dysentery -        | Good             | None        | The sick and wounded are favourably progressing. Decks are cleaned and daily sprinkled with chloride of lime. Provisions and water good, and regularly supplied. Prisoners are kept clean, are comfortable and satisfied. |
| 3         | Boils -            |                  |             |                                                                                                                                                                                                                           |
| 1         | Scrofula -         |                  |             |                                                                                                                                                                                                                           |
| 1         | Cough -            |                  |             |                                                                                                                                                                                                                           |
| 2         | Itch -             |                  |             |                                                                                                                                                                                                                           |
| 1         | Wounded -          |                  |             |                                                                                                                                                                                                                           |
| 10        | Total.             |                  |             |                                                                                                                                                                                                                           |

(Signed) T. A. WHITE, April 13th 1864.

## Enclosure 5 in No. 14.

## MEMORANDUM.

Encl. 5 in  
No. 14.

THE Governor finds from the memorandum of his Responsible Advisers of the 26th instant, that there is a misunderstanding on their part as to the substantial points of difference between themselves and the Governor regarding the native prisoners on board the hulk “Marion.”

What the Governor is striving to bring under review is:—

1stly. The long imprisonment of these people on board the hulk without any announcement being made by the Government as to what their ultimate fate is to be.

2ndly. The amount of punishment on the whole which, as he understands his Responsible Advisers' memoranda, they advised him to cause to be inflicted upon the native prisoners.

He believes that the first point to which he has alluded is exercising a very prejudicial effect upon the country, that it tends to prolong the war, to cause an unnecessary loss of life, and to entail an useless expense on Great Britain and the Colony, whilst he does not consider it as forming a part of any settled line of policy.

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On the second point the Governor has already expressed his opinion. He would only add that he does not think the losses inflicted on the prisoners up to the date of their imprisonment were on the whole a necessary result of the plan of operations he devised. An inquiry would show that many of these losses were inflicted in opposition to his wishes and advice. His present Responsible Adviser must be well aware of his views on this subject, for when the expedition was sent to Tauranga, he advised him to issue orders that the crops and cattle and other property of the natives on the west side of the harbour should be taken possession of, and he then declined to issue such orders; even in the case of hostile natives at Tauranga he would only sanction their supplies of food and their cattle being taken possession of.

The Governor would now earnestly recommend that the losses which the Waikato tribes have suffered should not be perpetuated; he believes that by repairing these in as far as is expedient, aiding the natives to settle on those portions of land which may be assigned to them out of their whole possessions, the Government would perform an act at once generous and politic, and likely speedily to restore this part of the country to a healthy state, and to produce for the future a very beneficial effect on the minds of the dispossessed native population, many of whom were led by circumstances they could not control unwillingly to join or go with the rebels. However, if the Governor is really the author of the losses the prisoners have sustained, there is the more reason in his opinion why he should see that these are not overlooked in deciding what is the whole amount of punishment which is to be inflicted on them.

To remove what he believes to be a misapprehension on the part of his advisers, the Governor briefly alludes to the case of Ruihana and Kereopa. These chiefs saw the General on the 11th of April. It will be seen in their letter of that date, that some of the 120 men they spoke of had not guns. On Tuesday the 12th, 28 native men came in with Wm. Naylor to give themselves up to the General; of these about 13 had not guns, they were immediately made prisoners and placed in a redoubt, in consequence of the Government notice on the subject. This must have frightened the people Ruihana and Kereopa intended to bring in; but the two chiefs had given up their guns to the General, have now given a reason for not bringing the men in, and have asked for a pass to return themselves within our lines, being clearly afraid to come in after what has taken place without such a pass.

The Governor regrets that his advisers should not understand his remarks upon the subject of ministerial responsibility, and his own personal responsibility in the present state of this Colony. He only intended to state what he thinks must be admitted truths; he did so trusting his Responsible Advisers would see how grave and large a responsibility still really rested upon him, and that he might consequently establish what he believes is a just claim upon their consideration. He has feared that the great loss of life, including females, which took place at Orakau from the natives refusing to surrender, might with justice be traced in part to his having so long allowed the prisoners now on board the hulk, and the native population generally, to remain in ignorance of what the fate of these prisoners, especially of Tioriori, was to be. He has felt a very great degree of anxiety upon this subject, and has dreaded the recurrence of similar events. With all deference to the opinions of his advisers, he thinks a very serious responsibility for such things rests upon him. He has done his utmost at all times to promote the views of his advisers, and he only wished to show that on a point where he felt so strongly a responsibility really rested on him, which gave him a strong claim on their consideration, which he hopes they will yet recognize.

(Signed) G. GREY.

April 29th, 1864.

Encl. 6 in  
No. 14.

Enclosure 6 in No. 14.

## MEMORANDUM.

His Excellency the Governor,

In the Governor's memorandum of the 29th of April, his Excellency states that it is his belief that the long imprisonment of the natives on board the hulk "Marion," without any announcement being made by the Government as to what their fate is to be, tends to prolong the war, and produce the consequent evils which his Excellency details. With every deference to his Excellency's opinion, ministers are unable to adopt this view.

It is true that the Government have not made any formal official announcement, but there is no doubt that the prisoners as well as their friends have for some time past understood that unless the misconduct of themselves, or their friends, should require another course, they will be liberated without personal punishment, and be permitted to go back to Waikato when peace is established; but it has appeared to ministers, up to the present time, that to release the prisoners, or make an absolute promise and official declaration to do so, would be injudiciously to throw away a powerful check on both the prisoners and their friends. In support of this view ministers have the authority of William Thompson himself to refer to, who, when questioned by a rebel native as to the cause of his defeat at Rangiriri, and what he meant to do for the future, is stated to have replied, "That he did not know, he could not do anything, his relations and friends were prisoners in Auckland."

Ministers moreover feel assured that these men being in our power, has had the effect of checking the barbarous system of murdering unarmed men and women and children, which had previously disgraced the rebel natives. Since the prisoners have been in custody no murder has been committed, their friends, ministers are informed on excellent authority, being restrained by the fear of reprisal.

With regard to the 2nd point referred to by his Excellency, ministers were not aware that many of the losses inflicted on the prisoners were inflicted in opposition to his Excellency's wishes and advice, nor did they very well see how such could be the case, as, after the session of 1862, up to the time of the acceptance by the assembly in November last of responsibility in native affairs, that responsibility rested with his Excellency, whose authority was supreme.



It might be inferred from the terms in which his Excellency refers to the Tauranga expedition, that ministers proposed to interfere with natives not hostile. As the memorandum in which they tendered advice on that occasion was not intended to, and they submit did not, bear such a construction, they presume that this inference was not intended, and although the word "property" was used in the memorandum of instructions proposed by ministers to be sent, they assented to its omission in reference to his Excellency, although they could not then, and cannot now see, why it would not have been equally just and politic to deprive the hostile natives of any other supplies they possessed as well as of their supplies of food.

Ministers quite concur with his Excellency that it will be generous and politic to treat the Waikato tribes with liberality, by assisting them to settle with advantage on the land to be assigned to them, and ministers are fully prepared to take that course.

As regards the case of "Ruihana" and "Kereopa," it was simply cited by ministers as a very recent event which justified their unwillingness to rely on Maori parole, and if the view which his Excellency takes of their conduct were borne out by the facts, (a conclusion from which ministers respectfully dissent), it would not alter their general estimate of the amount of reliance to be placed on the word of Maoris similarly tempted to break their word. The best that his Excellency's view of the conduct of these men amounts to is this: having failed to fulfil their promise, they offer a plausible excuse (or rather it is offered on their behalf) for its breach. What ministers would require in such a case would be performance and not excuses, and it is because they fear that if they relied on Maori parole they might be put off with excuses, that they think it their duty to decline to do so.

It has always been the anxious desire of ministers to pay the greatest deference to his Excellency's opinions on all occasions, and as far as possible to comply with his wishes. They regret the difference that has arisen in the present instance, but they feel so strongly what appears to them the imprudence of releasing the prisoners at present, and they so much fear the dangerous consequences which might result from it, that they are not prepared to take the responsibility of such a step.

(Signed) FREDK. WHITAKER.

Auckland, 2nd May, 1864.

Enclosure 7 in No. 14.

MEMORANDUM.

Encl. 7 in  
No. 14.

The Governor has duly considered the memorandum of his Responsible Advisers of yesterday's date.

He would only remark that he has not requested his advisers to advise the release of all these prisoners at present. What he requested was, that an announcement should be made by the Government as to what their ultimate fate should be, and as it appears that ministers are under the impression that the prisoners and their friends have for some time past understood that in the event of the misconduct of their friends the prisoners are still liable to personal punishment, and will not in such case be permitted to go back to Waikato when peace is established; the Governor would add that he has never led any of their friends, in interviews he has had with them, to believe that any decision had been come to regarding their fate.

Letters which he has this day seen, from Mr. Mair, satisfy him that the ignorance prevailing regarding the fate of the prisoners has exercised, and is exercising, a very prejudicial effect upon the country.

(Signed) G. GREY.

May 3rd, 1864.

Enclosure 8 in No. 14.

MEMORANDUM.

Encl. 8 in  
No. 14.

His Excellency the Governor,

It would appear from the Governor's memorandum of yesterday, in reference to the prisoners on board the hulk "Marion," that there has been a misunderstanding as to what his Excellency desired. Ministers regret this, but certainly they had understood that his Excellency wished to release the prisoners, or at all events some of them, on parole. In his Excellency's memorandum of the 12th of April he says, "In the Governor's opinion it would be sufficient to bring some of them to trial, whilst there are others whom it is unnecessary to proceed against, but who might be released on such conditions as the Government thought it necessary to impose." And again in his Excellency's despatch of the 29th of April last, to his Grace the Duke of Newcastle, his Excellency states as follows: "My own opinion is adverse to bringing a considerable number of prisoners to trial, if such a step can in any way be avoided, I would prefer releasing them on parole." It now appears that what his Excellency intended to request was, that an "Announcement should be made by the Government as to what their ultimate fate should be." After a careful consideration of the advantages and disadvantages likely to follow from such a course ministers are prepared to yield to his Excellency's wishes.

They submit, therefore, for his Excellency's consideration that the prisoners should not be brought to trial, for that would appear as a farce, if, before doing so it were announced that no punishment, even if they were found guilty, would follow, that it should be announced to them at once that no personal punishment, beyond restraint of liberty, will be inflicted, and that when peace is established they will be liberated, and land allotted them to settle on. An opportunity of communicating with their friends on the subject of their position should be afforded them, and for this purpose writing materials supplied them, and two of their number (not influential chiefs), to be approved of by the Government, permitted to be the bearers of their letters, taking their parole to return.

NEW  
ZEALAND.

With regard to the letter from Mr. Mair, no doubt the statements are not to be disregarded, but, on the other hand too much weight should not be attached to them. Mr. Mair received his information from one native, who was told by another native, who had communicated with the rebels. The unreliable character of information generally, derived through native sources, might be illustrated by a statement of some of the reports constantly put into circulation, but ministers feel it is quite sufficient to allude to them.

Auckland, 4th May, 1864.

(Signed) FREDK. WHITAKER.

Encl. 9 in  
No. 14.

Enclosure 9 in No. 14.

MEMORANDUM.

THE Governor has carefully considered the recommendations made by his Responsible Advisers, in their memorandum of the 4th instant, for the disposal of the native prisoners on board the hulk "Marion."

The Governor thinks that as after so deliberate a consideration of the subject they have determined upon adopting the course in reference to these prisoners, which is stated in their memorandum, they had better carry it out. If Her Majesty's Government think proper to order any change in the total amount of punishment which is to be ultimately inflicted on the prisoners, the Secretary of State can give such directions in this matter as he thinks proper, after reviewing all the circumstances of the case.

May 7th, 1864.

(Signed) G. GREY.

No. 15.

No. 15.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to his Grace the Duke of NEWCASTLE, K.G.

Government House, Auckland, May 7, 1864.

(No. 73.)

MY LORD DUKE,

(Received July 14, 1864.)

(Answered No. 80, July 26, 1864, page 65.)

Major D. Hay  
to Mr. Russell,  
May 1, 1864.  
Civil Com. of  
Tauranga to  
the Col. Com.,  
May 3, 1864.  
Do. do. May 3,  
1864.

I HAVE the honour to transmit, for your Grace's information, copies of the letters noted in the margin, from which your Grace will find that near Maketu upon the 28th of April the rebel natives sustained a severe defeat from the natives of a friendly tribe named the Arawa. The rebels left 53 of their dead upon the field. The Arawa tribe only lost 1 killed and 7 wounded. Maketu is only about 17 miles distant from Tauranga, where we sustained so heavy a loss upon the subsequent day, the 29th of April.

2. I regret to state that I gather from the enclosed letters from the Civil Commissioner of Tauranga, that there seems but little apparent probability of the natives in that neighbourhood submitting to our authority for some time to come.

His Grace the Duke of Newcastle, K.G.

&c., &c., &c.

I have, &c.,

(Signed) G. GREY.

Encl. 1 in  
No. 15.

Enclosure 1 in No. 15.

SIR,

Maketu, May 1, 1864.

I HAVE the honour to report for your information as follows:—

On the morning of the 27th ult. the enemy had fired heavily at Fort Colville, commencing at 4 A.M. Subsequently, H.M.S. "Falcon" and the "Sandfly" having arrived, they were shelled out of their position, and retreated across Waihi, the men-of-war following them up the coast for about twelve miles. I decided on pursuing them as far as Te Awa o te Atua, the Arawa boundary. I sent 100 men across at once with orders to follow them up, but not to proceed beyond Otamarakau. In the afternoon I crossed the river with 200 men, leaving 150 in the pa. We camped for the night at Waiheke, about 11 miles from Maketu. At 4 A.M. on the 28th we marched for Otamarakau, which settlement we found the enemy had deserted. A hundred men joining us here from Maketu, made the force up to 400 strong. We marched on to Te Awa o te Atua. When within two miles we saw



the enemy coming along the sand hills. They took up their position across a narrow valley between the sand hills and the cliffs, with a creek in their front, the sand hills on the right being lined with their skirmishers. They were at once engaged by 200 under Winiata and other chiefs. The firing only lasted twenty minutes; the creek was then carried with a rush, and the enemy retreated up the valley. The whole force was so fatigued with the forced march over very heavy ground that they were unable to follow them fast enough. They might have held Harema, Otamarora, Te Rangatapu, and Teano Tarere Hika, on the bank of the river, as, though not palisaded regularly or rifle-pitted, the nature of the ground would have made it very difficult to dislodge them. They retreated across the river; while doing so many were shot. The enemy mustered fully 400 men; thirty-seven bodies were found on the 28th, and fifteen more on the morning of the 29th. Rangitukehu, the chief of the friendly natives at Rangitaiki, and who arrived at our camp on the 29th, told me that they had found dead bodies along the beach and in the swamp on the other side of the river.

The following leading chiefs were killed:—Belonging to Te Whakatohea, Te Aporetanga, Te Rangumatoru, Tipene, Hira te Popo, and Te Para; to Ngatiawa, Te Rangipai; to Ngaitawarere, Tatuaharakeke. Their loss must have been fully 100 killed and wounded. They acknowledge to a loss of some five or six by the heavy guns while at Maketu, and from thirty to forty casualties while at Waihi on the 21st and 22nd. Three old men and six old women, taken prisoners, were released by me, and handed over to Rangitukehu and Roharuhi. I regret to say that Winiata, who behaved most gallantly, died from the effects of his wound. The remaining six casualties on our side are doing well. We have taken over forty stand of arms, a considerable quantity of very coarse powder and other ammunition, and other booty as well. The Arawas behaved very well. The Taupo natives were up at the front when the firing first commenced, and charged with Tohourangi; but as it was an almost simultaneous advance of the whole force, I think it unnecessary to notice any one section in particular. The men of the Defence Force and Forest Rangers attached to the Native Contingent, were so fatigued with the march, having far more than the natives to carry, that they were only able to join in the pursuit. I believe that the result will have a salutary effect on the East Coast natives. I am about to make arrangements for the better protection of the district, concerning which I shall report as soon as possible.

I have, &c.

(Signed)

GEORGE DRUMMOND HAY,  
Major A.M., Comdg. N.C.

The Hon. Mr. Russell,  
Colonial Defence Minister.

Enclosure 2 in No. 15.

SIR,

Tauranga, May 3, 1864.

Encl. 2 in  
No. 15.

I HAVE the honour to report my arrival here on the 23rd ultimo.

On the 24th I received information from Maketu to the effect that an encounter had taken place between the insurgent body of natives from the east coast, and the troops stationed at Maketu, assisted by the Arawas, in which several of the enemy had been killed; that the latter had crossed the Waihi river, surprising some of the native sentries, who narrowly escaped being taken; and that they were occupying a position near to that held by the troops, their numbers being estimated at above 1,000 men.

On the 26th General Cameron and staff went down to Maketu in the "Sand Fly" to reconnoitre the enemy, accompanied by a reinforcement, returning the same evening; and the following morning the "Falcon" and "Sand Fly" were sent down to shell the rebel position, which was evacuated on their appearance, the rebels recrossing the Waihi, and retiring behind the sand hills on the coast. They were followed by a body of the Arawa, about 200 in number, and overtaken the following day, when a series of encounters took place, in all of which the Arawas appear to have been victorious, driving the enemy before them beyond the Awa-o-te-atua river, inflicting heavy loss in killed and wounded, taking possession of all the Ngatiawa villages at that place, making several prisoners and a considerable booty in the shape of cattle, horses, war canoes, and other property. They also took several of the enemy's flags.

At Te Awa-o-te-atua the friendly chief Rangitukeu met the Arawa chiefs, and expressed his satisfaction at what had been done, promising to exercise his influence with the Ngatiawa to prevent any attempt at retaliation for losses sustained through their connexion with the rebels. He said he had tried to dissuade them from having anything to do with the insurgents, and that now they had got into trouble they might be disposed to listen to him. Hori Tunui, chief of the Ngaitorue at Whakatane, also spoke in a similar strain, and I understand that both have pledged themselves to act in concert with the Arawa in the event of a renewal of hostilities. At present the enemy appears to be broken and dispersed.

The above information has been obtained principally from natives who have come over to Tauranga from Maketu from time to time. I enclose herewith translations of letters received by me reporting particulars of the Arawa expedition to Te-awa-o-te-atua.

The Schooner "Mavis" arrived here from Maketu on the 1st instant, affording me an opportunity of proceeding thither, which I purpose doing to-morrow. I learn that the Arawas are very short of food at Maketu, and it will be necessary to provide for them in some way, otherwise they will be dispersed. Having an opportunity of securing a few tons of potatoes here I have ordered five tons at 8*l.* per ton, which I shall take down in the "Mavis" at once, and beg to submit this item of necessary expenditure for approval.

The Hon. the Colonial Secretary  
(Native Department),  
Auckland.

I have, &c.

(Signed) THOS. H. SMITH, C.C.

NEW  
ZEALAND.

## Sub-Enclosure 1 to Enclosure 2.

(Translation).

April 28, 1864.

ON Wednesday the Arawa went to Te-awa-o-te-atua in pursuit of Ngatiporou. There was a fight at Otamarakau, and two of the enemy fell. The next day they were pursued to Kaokaoroa, where the Arawa stayed, and were attacked by 500 of Ngatiporou. There were 200 of the Arawa, which were formed into four divisions: Ngatipikiao took the beach, Tutanekai the sand hills, Tuhoruangi and Tuwhare the footpath, Nenukukopako, Rangiteaorere, and Kereru inland up to the cliff, and the fight began. Not one of these tribes was before or behind another; they were all equally in advance, and equally brave.

At the second charge the enemy broke, and were driven before us with loss, out of the Awa-o-te-atua settlements up to Te Rangatai and into the swamps; 50 of their chiefs fell; among them Te Aporotanga, Te Rangipaia, Te Rangimotoru, Pene Takahi, Porourangi, Te Poihipi, Petera; and many chiefs were missing, besides men. Our casualties were eight; Winiatia Tohi te Ururangi killed; the other seven wounded only. The day after the action and taking of the pas we returned to Maketu. I have omitted to mention that in the engagement at Maketu, when the enemy occupied Te Rahiri, there were six killed by us, and one by a shell from the big guns.

This is all.

From WI MATENGA TE KURU,  
and all of us.

## Sub-Enclosure 2, to Enclosure 2.

(Translation.)

To Mr. SMITH.

Maketu, April 30, 1864.

FATHER, greeting. This is to tell you about the discomfiture of the tribes from the East by the Arawa. There was a battle won and pas taken. Five pas were taken. On the 27th we started from Maketu, and slept at Pukehina. On the 28th we went on and reached Kaokaoroa, and were seen by the East Coast natives. The resident natives came out, and were seen by the Arawa. The divisions of the Arawa were placed. Uenukukopako, Kererei, and Rangiteaorere were next the cliffs, Tuhurangi and Tuwharetoa beyond them. The sand hills above the beach were held by Rangiuu's child, that is, by Tutanekai and Tapuika, and the line was closed up on the beach by Rangitihia and Tarawhai and Pikiako. There was a discharge, and the Arawa gave a shout along the whole line to rush on. The rush forward was made, and the enemy was pursued with slaughter, and then driven out of the pa, first out of one, then out of the second, the third, the fourth, the fifth. The killed which I saw with my own eyes were forty-four, but the fern and the swamp and the river and the beach were strewn with the dead. The Ngatiawa chiefs killed are Te Rangi i paia and Maketu. The Whakatohea chiefs killed are Te Aporotanga, Te Rangimotoru, Pene, Takahi, Petera, and others of the Ngaitawarere tribe Tatuaharekeke. There were fourteen prisoners. Tohi te ururangi is also killed.

Enough.

From TUTANEKAI.

Pini is the writer.

Encl. 3 in  
No. 15.

## Enclosure 3 in No. 15.

SIR,

Tauranga, May 3, 1864.

I HAVE the honour to report, for the information of the Government, that the position occupied by the insurgent Natives at Pukehinahina on the boundary of the Church Missionary Society's Land at this place, was attacked by the troops on the 29th ultimo. The latter marched out from camp on the 27th, and took up a position about half a mile from the entrenchments occupied by the rebels. On the following day the artillery was brought up and planted, and a body of the 68th Regt. marched round at night to the rear of the rebels position, which was thus completely surrounded. On the morning of the 29th the artillery opened fire, and continued shelling and bombarding the entrenchment from four several points until 3.30 P.M., when the order was given to storm. Up to this time the Natives who held the entrenchments scarcely showed, or replied to the fire of the troops or artillery, and it was doubted whether any number of them could be there. As the storming party advanced, however, the Natives opened fire, and poured volley after volley upon them. The engagement lasted about 15 minutes, during which time the firing on both sides was rapid and incessant. The troops were then seen retiring, leaving the rebels in possession of their entrenchments, and several of their officers and men, who had fallen in and near them. In doing so they were exposed to a hot fire from the pa, and numbers fell. The loss on our side in this assault is about 30 killed, including an unusually large proportion of officers, and about 70 wounded. After the troops had retired I heard the chief Rawiri calling to the soldiers from the rebel entrenchments, taunting them, and inviting them to make a second trial.

During the night, in spite of every precaution taken to prevent it, the rebels succeeded in making their escape from their entrenchments, which were entered by the troops soon after daylight.

The place was found to be of small extent, but a complete network of rifle pits and subterranean passages. On evacuating it the enemy had left the dead and wounded, their own and ours, where they fell. They appear to have got away in detached parties. Some of them were observed, and fired on with effect, several bodies being found afterwards in the fern and in the swamps.

The shot and shell fired at the entrenchments during the day appeared to have effected very little, either in destroying the works, or killing the occupants. Nineteen bodies were collected and placed in a row for identification. Of these, not more than four or five had been killed by shot or shell. Seven prisoners were taken in the course of the morning, of whom six were wounded, including Te Roweti Manotini, who has been the principal promoter of disaffection and the King movement in Tauranga. This is the Chief mentioned in my report on the Ohiwa dispute between the Ngatiawa and Whakatohea tribes as



having been deputed by the latter to go to Waikato to invite the chief Wm. Thompson to come and arbitrate in the matter.

Among the killed there are several chiefs of importance:—Te Kani, a brother of Rawiri, who has fought with the rebels in Waikato Te Monho-uhō, a principal chief of Ngatiraukawa; Te Kau, the chief of the tribe belonging to Tuhua (Mayor Island), and other men of note. The enclosed list contains the names of the killed and wounded, as far as they could be identified.

The prisoner Reweti informed me that there were under 200 Natives in the entrenchments, principally belonging to Tauranga. The remainder were Ngatipaoa from the Thames, who had come over from the Waikato, with the Ngaiterangi. Judging from the size of the place, I think the number given by Reweti is correct, as it did not appear capable of holding more.

The day after the engagement Wm. Patene and the friendly chiefs at the Matapihi requested permission to bury the dead, which was readily granted by General Cameron, on my application. Accordingly on Sunday the 1st inst. I accompanied a party of 18 natives to Pukehinahina. They assisted to dig a grave about 50 yards from the entrenchment, within the boundary of the Church Missionary Society's land, and placed the bodies in it. The Venerable Archdeacon Brown attended, and read a portion of the burial service over the dead; after which the grave was filled in by the natives, and a low mound raised to mark the last resting place of their unfortunate countrymen.

It affords me satisfaction to record that the conduct of the natives who took part in the late engagement has been marked by the absence of any cruel or savage act. Our wounded who fell into their hands were spared, and in one or two instances were treated with kindness.

The dead were neither mutilated nor stripped. The fortitude and courage shown by the handful of men who held the Pukehinahina position against a force so superior in numbers and appliances must command respect, while their conduct altogether appears to have been consistent with the reputation they have earned as brave men, who have displayed a heroism worthy of a better cause.

The naval and military funeral took place yesterday, when the remains of \* officers and \* men were interred in the Mission burial ground; among the former those of Colonel Booth, of the 43rd regiment, and Captains Hamilton and Hay, of H.M.S. "Esk" and "Harrier."

Blanks in  
the original.

The fugitives from Pukehinahina are supposed to have returned to a pa in the ranges behind Maungatapu; but, from information derived from the friendly natives here, I think it probable that they will retire to another position at the head of the Wairoa, which has been fortified as a stronghold in anticipation of their being driven out of their positions nearer the coast. I cannot learn that any disposition to submit has yet manifested itself, although the blow just struck is no doubt felt severely. Their actual loss has not yet been ascertained, and it is believed that more bodies will be found in the swamps through which they retired from their entrenchments.

Yesterday morning a letter was brought to me from Wi Patene and other friendly chiefs, proposing that they should communicate with the hostile natives for the purpose of urging them to submit and bring in their arms. I immediately sent a translation of this letter to General Cameron, who declined to authorize or sanction any communication between the friendly or rebel natives. I enclose copies of the correspondence. I fully concur in the propriety of the course taken by General Cameron with reference to this proposal, and have communicated with the writers of the letters on the subject. They express themselves quite satisfied, and readily admit that overtures for peace should come from the rebels instead of being made to them.

I cannot at present form an opinion as to the effect which the result of the late engagement will have upon the disaffected natives here and in the Bay of Plenty generally.

The discomfiture of the large body of the East Coast natives by the Arawas reported in my letter of even date herewith, will, I believe, have a most discouraging effect on the insurgents here, as their prospect of support from any quarter appears to be cut off. A few days will probably show what course is likely to be adopted. The Tauranga natives do not appear to have been joined by any considerable number from Waikato or elsewhere, though a report to the contrary was in circulation here previous to the late affair.

I have, &c.  
(Signed) THOS. H. SMITH.  
Civil Commissioner.

#### Sub-Enclosure 1 to Enclosure 3.

LIST of CASUALTIES on the Side of the Native Insurgents at the Attack on Pukehinahina on the 29th April 1864.

#### KILLED.

Te Monhouho, Ngatiraukawa, chief of Patetere and the Wairoa.  
Tikiku, native teacher at Poiki.  
Te Tuhi of Poiki, } Ngaiteaki tribe.  
Tamihana of Poiki, }  
Te Kau, chief of Tuhua, } Te Urangawera tribe.  
Rotohiko of Tuhua, }  
Te Kiriparara, } of Te Wairoa-Te-Pirirakau tribe.  
Te Wano, }  
Te Kani, brother of Rawiri Puhirake.  
Paiawa of Poiki-Te-Haenga.  
Te Motupuka, of Poiki of Waikato, Ngatitawhaki.  
Ihau, brother of Henare Taratōa Te Ngare tribe.  
Petariki, of Te Matewaitai tribe.

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Timoti, of Matakana, Ngaitamawhariu.  
Keni, of Otumoetai, Ngatiraukawa.  
Aramakaraka Kiritiana Ngatimaru.  
Topatopa, Ngaitamarawaho.  
Te Harawira (?) of Rotorua, Ngatirangiwehewhi.  
\_\_\_\_\_ not identified, supposed to be from Hauraki.

WOUNDED.

Te Reweti Manotini, chief of  
Te Kahopora, of Poiki (since dead).  
Eruera, nephew of Rawiri Puhirake of Ohuki.  
Hone, of Ohuki.  
\_\_\_\_\_, Ngatipaoa.  
\_\_\_\_\_, Ngatipaoa.

Sub-Enclosure 2 to Enclosure 3.

SIR,

Tauranga, May 2, 1864.

I HAVE the honour to enclose herewith translation of a letter received by me this morning from the Native Assessor, William Patene, and other chiefs of Tauranga belonging to the friendly party, proposing that they should communicate with the natives engaged in the late affair at Pukehinahina for the purpose of inducing them to give up their arms.

The object of the writers is to obtain your sanction to their visiting the insurgents in order to ascertain their present disposition. I am not aware what, or whether any overtures have been made by the latter.

Lt.-Genl. Sir Duncan Cameron, K.C.B.,  
&c. &c. &c.

I have, &c.,  
(Signed) THOS. H. SMITH,  
C.C., Bay of Plenty.

Friend Mr. Smith,

Greeting. This is our word to you, for you to disapprove or approve. This is our word, that Ngaiterangi be fetched (communicated with) that they may bring their guns and ammunition to make peace with the Government. Father, do you urge the carrying out of our thought, and speak to the General about it. That is our word. Do you also write a letter to us.

T. H. Smith, Esq.  
Te Papa.

From your friends,  
(Signed) WIREMU PATENE.  
PARERA.  
HOHEPA.  
MANAO.

SIR,

Tauranga, May 2, 1864.

IN reply to your letter of this date, addressed to Lt.-Genl. Sir Duncan Cameron, K.C.B., I am directed to acquaint you that the General will not authorize or sanction any communication between the friendly natives and the rebels.

If the rebels desire to submit, or have any overtures to make, they can at all times communicate direct with the General.

Thos. H. Smith, Esq.,  
Tauranga.

I have, &c.  
(Signed) GEO. DEAN PITT, Major,  
Assist. Military Secretary.



## Despatches from the Secretary of State.

NEW  
ZEALAND.

No. 1.

No. 1.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor  
Sir GEORGE GREY, K.C.B.

(No. 80.)

Downing Street, July 26, 1864.

SIR,

I HAVE received your Despatches of the numbers and dates noted in the margin.\* I have read with deep regret the account which you give of the attack upon the pah at Tauranga. It is indeed painful to reflect that so many brave officers and men should have perished in the attack, and that the brilliant example of Lieut.-Col. Booth, and the heroism and devotion of Captain Hamilton and Commander Hay and the other officers, to which Sir Duncan Cameron so feelingly does justice in his Despatch, should not have been attended with success. It will greatly add to the concern which such a result is but too well calculated to produce, if any encouragement shall have been drawn from the circumstances of this attack by the natives in arms against Her Majesty's authority to persist in their rebellion, or if natives hesitating and uncertain shall have been induced to join the rebels.

I have also read with great concern the report of Colonel Warre, C.B., stating that a reconnoitering party, under the command of Captain Lloyd, of the 57th Regiment, fell into a strong native ambush about 10 miles from New Plymouth, on the morning of the 6th, and being completely surprised, were attacked at a great disadvantage; and that Captain Lloyd and six of the 57th Regiment and Taranaki Militia (military settlers) were unfortunately killed, and 12 of the same corps wounded; and further, that in this instance the natives had mutilated the dead, and carried away the heads of Captain Lloyd and five of his companions who were slain.

On the other hand, it is a source of sincere satisfaction to receive your report of the action at Maketu, in which the friendly natives rendered so great a service to the cause of loyalty and order, and the brilliant affair in which Captain Shortt, with the small force under his orders at the time, inflicted so signal a repulse upon the natives who attacked him at Sentry Hill, in the Taranaki district.

I have now received the full account of that difference which, I am much concerned to see, has arisen between yourself and your Responsible Advisers with respect to the treatment of Ti-ori-ori and the other prisoners detained in the hulk "Marion."

I have also read and considered the despatch of Brigadier-General Carey, and the enclosed letters of Mr. Mair, informing you that Rewi had expressed his desire to make peace and live quietly by the side of the white people, but that he is afraid he would place himself too much at the General's mercy by giving up his arms; together with the memorandum of your Ministers, giving their reasons for attaching very little weight to the information so conveyed to you.

It appears that you are desirous of releasing Ti-ori-ori and some other prisoners upon their parole, in the firm conviction "that any captive New Zealand chiefs, generously treated, would never break conditions as to residence or otherwise into which they had entered to obtain freedom from actual imprisonment," and that "their long imprisonment without any announcement being made by the Government as to what their ultimate fate is to be, is exercising a very prejudicial effect upon the country; that it tends to prolong the war, to cause an unnecessary loss of life, and to entail an useless expense on Great Britain and the Colony, whilst you do not consider it as forming a part of any settled line of policy."

Your ministers, on the contrary, express the opinion that "it would be an unwise and dangerous experiment to permit any of them to have such liberty as would enable them by a breach of parol only to join their tribes and friends still engaged in active hostilities against the Queen's troops. Conditions as to residence," they proceed, "are easily made, but as easily broken, and there would be no means in the hands of the Government of enforcing their observance, nor of punishing their breach. Ministers are therefore of opinion that all and not only some of the prisoners should be brought to trial, and that none should at present be released."

21 Apr., No. 55,  
page 5.  
21 Apr., No. 56,  
page 9.  
25 Apr., No. 57,  
page 10.  
25 Apr., No. 59,  
page 13.  
3 May, No. 64,  
page 26.  
3 May, No. 65,  
page 28.  
4 May No. 66,  
page 30.  
6 May No. 68,  
page 37.  
7 May, No. 70,  
page 44.  
7 May, No. 72,  
page 48.  
7 May, No. 73,  
page 60.

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Your Ministers further state that "it has appeared to them up to the present time that to release the prisoners, or make an absolute promise and official declaration to do so, would be injudiciously to throw away a powerful check on both the prisoners and their friends," and that "they feel assured that these men being in their power has had the effect of checking the barbarous system of murdering unarmed men and women which had previously disgraced the rebel natives. Since the prisoners have been in custody no murder has been committed, their friends, Ministers are informed on excellent authority, being restrained by the fear of reprisal." And finally, in regard to the reports made to you by Mr. Mair, your ministers observe that "no doubt the statements are not to be disregarded, but on the other hand too much weight should not be attached to them. Mr. Mair received his information from one native, who was told by another native, who had communicated with the rebels. The unreliable character of information generally, derived through native sources, might be illustrated by a statement of some of the reports constantly put into circulation."

In conclusion, the arrangement finally made, and about, as I understand, to be made known by proclamation to the natives generally, was as follows: that the prisoners should not be brought to trial; that it should be announced to them at once that no personal punishment beyond restraint of liberty would be inflicted, and that when peace should have been re-established they would be liberated, and land allotted to them to settle on; that an opportunity of communicating with their friends on the subject of their position should be afforded them, and for this purpose writing materials supplied to them, and two of their number, not being influential chiefs, and to be approved by the Government, should be permitted to be the bearers of their letters, taking their parole to return.

You have stated to your Ministers that you "have not only to issue orders, on the advice of your Responsible Advisers, for the suppression of the rebellion, the punishment of prisoners, &c., to the colonial forces, but also to the senior naval and military officers of the forces of Great Britain, and that there can be no doubt that you will be held responsible by the Home Government for any acts of which you may order the execution by their forces, or for the ultimate attainment of which you direct the employment of their forces, if such acts appear to the Government and people of England to be unnecessarily severe or unjust, or even if such acts would have a tendency to prolong, without sufficient object, a civil war." On this subject it will be sufficient for me now to remind you that in my Despatch of 26th May\* I had stated to you plainly "that an army of 10,000 English troops has been placed at your disposal for objects of great Imperial concern, and not for the attainment of any merely local object: that your responsibility to the Crown is paramount, and that you will not continue the expenditure of blood and treasure longer than is absolutely necessary for the establishment of a just and enduring peace;" and also that in my Despatch of 27th† June, when I had received an intimation of this unfortunate difference between yourself and your Advisers, but without the full particulars which have reached me by the present mail, I again stated that while I fully "recognised the general right and duty of the Colonial Government to deal with matters of Native policy, properly so called, I considered that while active operations are being carried on under the conduct of Her Majesty's officers, and in the main by Her Majesty's military and naval forces, it was for the Governor personally, as representative of the Imperial Government, to decide upon the fate of persons who were taken prisoners in the course of these military operations."

The question of Responsible Government in a colony where in ordinary times the civil and internal policy is directed by the ministers, but where in cases of emergency the safety of the inhabitants is secured, and peace and order are restored, by the aid of the naval and military forces of Her Majesty, is not a question to be discussed in argument at a moment like the present. Whatever may be the precise limits of the authority vested in the ministers, and of the power and responsibility of the Governor as the servant of the Crown of England, an army like that now operating in New Zealand has not been sent to the Colony, and will not be maintained there, subject to any other authority than that of the Crown, and you appear to me rightly to interpret your position in the observations which you have addressed to your Ministers in the minute to which I have referred.

Your duty as the representative of your Sovereign is to take such measures as may in your judgment be best calculated to put down rebellion, to restore peace and order, and to stop the expenditure of blood and treasure. When you shall have accomplished these objects, and the army maintained at so great a sacrifice shall have been reduced to the moderate numbers suited for the times of regular and peaceful administration, Her Majesty's Government will not be desirous to withdraw from the Colonial Ministers any part of that authority in the conduct of native affairs which has been already vested in their hands.

\* Vide papers presented June 1864, page 15.

† Vide papers presented July 1864, page 19.



Of the policy of releasing 'Ti-ori-ori, or of some, and if so how many of the other prisoners,—of the credence to be attached to the statements of native messengers respecting Rewi, and of the effect which the detention of the prisoners as hostages may have had in preventing hostile operations, or murderous outrages, on the part of any of their friends, it is not possible to judge without that knowledge of the circumstances which only presence on the spot can give; and even if I possessed that knowledge I should feel that it was extremely hazardous to give you positive instructions from home to be carried into effect after an interval of five months from the time at which you had reported the circumstances to me, and when, therefore, the most material changes in those circumstances must have inevitably occurred.

What I do feel it to be my duty to say to you plainly is, that the aid of the mother-country in men and in money is given to the Colony on the understanding that the military measures which have unhappily become necessary shall be directed by you in concert with the distinguished General in command. I shall be perfectly ready to support you in any measures which, not breaking any positive law of the Colony, and after consulting with the General, you may have thought it necessary to take on this subject.

I earnestly trust, however, that that sense of the consideration due to your position to which in your Memo. of 29th April you appeal, will have been manifested by your Advisers; and that, more especially when they shall have received the full and deliberate statement of the views of Her Majesty's Government conveyed to you in my Despatch of 26th April last,\* they will cordially co-operate with you in the measures which you may feel called upon to adopt in pursuance of your instructions. I am confirmed in this hope by the assurances which Mr. Reader Wood, on the part of his colleagues and himself, has given me, as you will have seen in his letter to Sir F. Rogers, and by the tone which Mr. Reader Wood has uniformly maintained in his frequent communications with me during his stay in England.

\* Vide H. C.,  
No. 326 of  
1864, page 47.

I cannot for one moment believe that your Ministers will be actuated by any other feeling than a patriotic desire to aid you to the utmost of their power; and I trust that, even when their opinions may differ from your own, a paramount sense of public duty will induce them to forget these differences, and cordially to support your efforts and those of General Cameron to promote the cause which, equally with yourself, they have at heart.

I enclose to you a copy of the Bill which has passed the House of Commons, and been read a second time in the House of Lords, for guaranteeing to New Zealand a loan of one million sterling. I hope that by the next mail I may be able to inform you that it has received the Royal assent, and may convey to you the instructions under which it will be necessary for you to act in order to obtain by the Assembly of New Zealand the adoption of the conditions on which that guarantee has been conceded by the Imperial Parliament.

I have, &c.

Governor Sir George Grey, K.C.B.,  
&c.                      &c.                      &c.

(Signed) EDWARD CARDWELL.

No. 2.

No. 2.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Governor  
SIR GEORGE GREY, K.C.B.

(No. 81.)

Downing Street, July 26, 1864.

SIR,

I HAVE to acknowledge the receipt of your Despatch of the 3rd May, No. 63,\* forwarding an account of the tour made by Mr. Fox, the Colonial Secretary, through the Kaipara district in March last.

\* Page 16.

I have read this account with much interest, and learn with much satisfaction that such a loyal spirit exists amongst the natives in this district.

I have, &c.

Governor Sir George Grey, K.C.B.,  
&c.                      &c.                      &c.

(Signed) EDWARD CARDWELL.

LONDON:  
Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty.  
For Her Majesty's Stationery Office.



RETURN to an Order of the Honourable The House of Commons,  
dated 23 June 1864;—for,

COPY "of CORRESPONDENCE on the subject of an Application from the Company of AFRICAN MERCHANTS (LIMITED), for a SUBSIDY towards establishing STEAMERS on the RIVER NIGER."

Treasury Chambers, }  
23 June 1864. }

F. P E E L.

— No. 1. —

The Chairman of the Company of African Merchants to Viscount *Palmerston*.

Company of African Merchants (Limited),  
11, St. Helen's-place, London, 28 January 1864.

My Lord,

I HAVE the honour to inform your Lordship that I have been in correspondence with Earl Russell on the subject of establishing trade with Central Africa by means of the River Niger.

This Company has offered, on certain conditions, to maintain powerful steamers on the river, so constructed as to be able to ply frequently throughout the year, or whenever the river is practicable for a vessel drawing four feet water; likewise, to establish depôts at numerous points, keeping the same well supplied with goods, so as to develop properly the anticipated trade. These operations will require a large outlay of capital, say, when in full operation, not less than 70,000*l.* or 80,000*l.*

Besides giving facilities to missionary establishments and native traders, the Company would engage to carry goods and passengers, on fair terms, for other parties who may hereafter establish themselves in the interior.

But, inasmuch as we can expect no adequate return for several years on the large capital we are willing to embark, we consider it would not be prudent, without support, to incur all the risk of developing this trade; as we could not, of course, hope for, nor do we desire, a monopoly.

We have therefore applied for such a subsidy as was granted to the late Mr. Macgregor Laird in his contract of 1st January 1857, viz. :

|       |   |   |   |   |   |   |                  |
|-------|---|---|---|---|---|---|------------------|
| £.    |   |   |   |   |   |   |                  |
| 8,000 | - | - | - | - | - | - | for first year.  |
| 7,500 | - | - | - | - | - | - | for second year. |
| 7,000 | - | - | - | - | - | - | for third year.  |
| 6,500 | - | - | - | - | - | - | for fourth year. |
| 6,000 | - | - | - | - | - | - | for fifth year.  |

and we consider that in the course of five years the trade ought to be self-supporting.

All efforts to establish commerce with Central Africa have hitherto been fruitless, owing to their desultory character; and I submit that our offer affords an opportunity of carrying out, on an effective scale, the object which has been so long desired, and on which so much public money has already been expended. Your Lordship is, doubtless, well aware of the importance of this object in a national and commercial, no less than a philanthropic, point of view, and it is therefore unnecessary to dwell upon the reasons which render the ordinary objec-

tions to a subsidy inapplicable in this case; these considerations have, in fact been practically admitted by the various contracts entered into with the late Mr. Laird.

Knowing the interest which your Lordship has always taken in the subject, I have the honour to request the favour of an appointment, when your Lordship can receive a deputation of some few of those who are favourable to the establishment of steam communication on the River Niger, as the best means of promoting the commerce and civilization of Central Africa.

I have, &c.  
(signed) *A. Hamilton*

To the Right Hon. Viscount Palmerston, K.G.      &c.      &c.      &c.

— No. 2. —

The African Aid Society to Viscount *Palmerston*.

African Aid Society,  
8, Adelphi-terrace, Strand, W.C.,  
London, 1 February 1864.

My Lord,

IN former communications of this Society with Her Majesty's Government, since the death of Mr. McGregor Laird, we have strongly urged the advantage and necessity of some adequate measures on the part of Her Majesty's Government for establishing a continuous and permanent steam navigation and trade up the River Niger, the hope of which has been often held out to the principal native authorities in Nupé, and other Niger countries.

The African Aid Society beg leave to express their deep regret that no such measures have yet been taken by Her Majesty's Government.

The reports from the Commissioner sent by the British authorities at Lagos, under instructions from Her Majesty's Government, to communicate with Dr. Baikie during the late ascent of the Niger by Her Majesty's steam ship "Investigator," though not communicating any new fact regarding the countries on the banks of that river, confirms all that has been before advanced as to the policy, necessity, and advantage of permanent British mercantile occupation, and navigation, and trade in the river.

The Society, therefore, earnestly entreat your Lordship that such measures may be adopted by Her Majesty's Government as will procure this advantage for West Central Africa, for the civilisation of which no effective efforts can be made by the people of Great Britain, until such permanent British occupation be accomplished.

We have, &c.  
(signed) *Alfred S. Churchill*,  
Chairman of the Executive Committee.

*T. Lyons M'Leod*,  
Honorary Secretary.

To the Right Hon. Viscount Palmerston, K.G.      &c.      &c.      &c.

— No. 3. —

The Secretary of the Treasury to the Chairman of the Company of African Merchants.

Sir,

Treasury Chambers, 4 March 1864.

I AM commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you that your letter of 28th January last, addressed to Lord Palmerston, applying for aid from Her Majesty's Government to establish a line of steamers

on



on the Niger, with a view to a permanent British mercantile occupation of the country, has been under the consideration of this Board.

I am to state, that my Lords, having regard to the amount of public money expended under the contracts of the late Mr. M'Gregor Laird for this object, and to the disappointment and failure in which that scheme resulted, and adverting to the fact that the present proposal is not based on any new state of things justifying hopes of greater success hereafter, are not prepared to recommend to Parliament to grant further sums for the purpose of renewing subsidies, like those received by the late Mr. Laird, for the navigation of the River Niger.

I am, &c.

(signed) *F. Peel.*

The Chairman of the Company of African Merchants  
(Limited), 11, St. Helen's Place, London.

— No. 4. —

The Chairman of the Company of African Merchants to Viscount *Palmerston.*

My Lord,

Company of African Merchants (Limited),  
11, St. Helen's Place, London, 11 March, 1864.

I HAVE the honour to acknowledge receipt of Mr. Frederick Peel's letter of 4th instant, intimating that, because of the failure of the late Mr. M'Gregor Laird's enterprise, the Lords Commissioners of Her Majesty's Treasury are not prepared to recommend Parliament to grant further subsidies for establishing steam navigation on the River Niger, especially because he considers the present proposal is not based on any new state of things justifying hopes of greater success than attended Mr. Laird's efforts.

In reply, I beg most respectfully to submit that there is, in fact, not only "a new state of things," but that there are now, for the first time, means at command sufficiently ample either to carry out this most important enterprise to a successful issue, or to prove that it is hopeless to attempt opening up Central Africa to commerce and civilisation by means of the River Niger. This Company would, moreover, possess the great advantage in prosecuting the enterprise, that it would form a branch of its extensive operations on the West Coast of Africa, instead of being merely an isolated undertaking.

Ever since the first expedition, in 1832, all attempts have failed by reason of their desultory and inefficient nature; even Mr. Laird's efforts were valuable chiefly as experiments, and were abruptly terminated by his death, before he could carry into effect the plans he had matured upon experience. He found it would be necessary not merely to send a steamer up the river during a particular season, but also to establish trading depôts at various points on the river, and keep the same supplied with goods throughout the year, so as to carry on a continuous barter for produce; further, that it would be necessary to communicate frequently with the depôts by means of steamers of a very light draught, built expressly for the river during the dry season, as well as by more powerful steamers, for the conveyance of heavy goods during the season when the river is navigable for vessels drawing more than six feet; whereas, up to this time, little more has been done than a mere flying visit of a steamer for a few days, affording no criterion of the results of more permanent operations.

Your Lordship will perceive that all this would require the outlay of a very large capital, with no chance of a profitable return for several years. It was, in fact, an undertaking beyond the means of the late Mr. M'Gregor Laird to carry out, single-handed, with any chance of success. So well was he aware of this that he endeavoured to form a Company, with a capital of 100,000*l.*, to work his contract; but in this he failed, the time not being favourable for forming joint-stock companies. Nevertheless, he established three depôts, but untoward circumstances and his premature death prevented even a partial development of that system.

As Mr. Laird's executor, and with a full knowledge of his operations, I venture to demur to the idea that his efforts resulted "in disappointment and failure."

Making due allowance for the novelty of the undertaking and the difficulties he had

had to encounter, he was, so far as his means permitted, opening up a promising trade at the depôts above mentioned, though he was unable to keep them properly supplied, and his communications were interrupted for an entire year from causes beyond his control. Above all, Mr. Laird's operations were of the utmost value, not only for future guidance, but as proving that Europeans can live in the interior in good health and peaceful relations with the natives, which has since been amply confirmed by the experience of Dr. Baikie.

In the event of Her Majesty's Government acceding to the proposals of this Company, we are prepared to build and send out steamers expressly adapted for the river service, and one or more of them shall be of such a light draught of water as we hope may at all times be able to ply between the depôts, or, if not, with the exception of about two months of the year only.

We propose to provide shelter for the crews, in case of any casual attack, and to give the steamers sufficient power to push rapidly past any point temporarily hostile, so as to dispense with the escort of a gunboat; and I confidently expect that the natives will soon cease all desire to molest the steamers when accustomed to their constant presence on the river, being moreover conciliated by the facilities of trading thereby afforded.

We should at once form permanent trading stations at various points of the river, most likely at Angiania, Abo, Onitsha, the Confluence, and Egga; keeping the same fully supplied with goods to be bartered for the products of the country.

These steamers and stations will require an outlay of at least 80,000 *l.*, while, if encouraged by the results, we should be prepared to extend our operations and push still further into the interior, both by the Niger and the Chadda.

When trade has, to a certain extent, been developed by our operations, others will no doubt desire to participate in the same, and in consideration of the subsidy for which we have applied, we should engage to convey general goods and passengers in our steamers on fair terms; besides which, the steamers would be at once available for missionary, scientific, and other purposes, including the return of liberated Africans to their country, and the conveyance of native traders to and fro, which is of great importance.

Your Lordship will thus perceive that it is only by a large capital that the great objects in view can be secured; these objects are:—

First. To open up a new field for British enterprise on the one hand, and on the other, to afford the advantages of legitimate commerce to the natives, thereby striking a blow at the slave trade at its source in those regions.

Secondly. To afford facilities for missionary enterprise in Central Africa, such as have never before existed.

Thirdly. To open up a new and boundless field for the supply of cotton.

It is not to be expected that the large capital thus embarked can yield a profitable return for some time, and there is also no doubt some risk of ultimate failure. No individual or company would act prudently to incur those risks, unaided, merely if successful to open the way for all comers; and considering that the objects sought are national and philanthropic as well as commercial, it cannot be deemed unreasonable that we should ask Her Majesty's Government to share those risks with us, in the shape of the very moderate subsidy for which we have applied.

Should the enterprise prove unsuccessful, the Company would still be heavy losers; while, if successful, we have offered to refund the subsidy as soon as the Company is in receipt of six per cent. on the capital embarked.

In conclusion, I would beg respectfully to observe that, unless the past efforts in the Niger be followed up in some such manner as now proposed, the public money already expended, instead of bearing fruit, will, indeed, have been wasted. Of what use the costly expedition of 1841; the four years' valuable labours of Dr. Baikie; the annual trip up the river of H.M.'s steamer "Investigator"; the treaties entered into with natives, and especially with Massaba, the powerful and enterprising king of Nupé; nay, further, for what purpose the continued explorations of Africa, if noble rivers like the Niger and Chadda are to be abandoned by this country, affording, as they do, the means of carrying commerce and civilisation into the very heart of the continent?

The treaties will be more than useless; and if the hopes, so repeatedly held out to the natives, be not shortly realised by the permanent British mercantile occupation



pation of the country, the Niger districts will either fall into the hands of some other nation, or a deeper gloom than ever will close over Central Africa.

For these reasons, I trust your Lordship will reconsider the subject, as it is difficult to believe that so advantageous an offer as we have made can be finally rejected.

I have the honour to remain, on behalf of the Company of African Merchants,

Yours, &c.

To the Right Hon. Lord Palmerston, K.G.,  
&c. &c. &c.

(signed) *A. Hamilton.*

— No. 5. —

#### AFRICAN ASSOCIATION, LIVERPOOL.

3, Brown's-buildings, Liverpool,  
22 April 1864.

At a special general meeting of the African trade, held on Tuesday last, the 19th instant, to consider the application to Government of the "Company of African Merchants (Limited)" for the subsidy previously granted to the late M'Gregor Laird, for prosecuting discoveries in, and extending the trade of, the River Niger.

The following gentlemen were present, viz., Thomas Harrison, Esq., in the Chair; Messrs. Tobin, Horsfall, Hatton, Cookson, Ashmall, P. Stuart, P. Douglas, S. J. Arnold, Tyson, Murdock, Castellain, and Grüning.

It was proposed by Mr. Stuart and seconded by Mr. Tyson, after a long discussion,—

"That the merchants present oppose, by every legitimate means, the granting of a subsidy to the 'Company of African Merchants (Limited).'

Mr. Tobin proposed and Mr. Grüning seconded, the following amendment:—

"That this association, viewing with the deepest interest every effort to develop the resources of Central Africa by means of the navigation of the Rivers Niger and Chad, and considering that constant steam communication is most desirable on those rivers, as a means of not only establishing legitimate trade, but also of extending civilisation, and as a means of checking the slave trade, regards with favour any enterprise calculated to achieve these objects."

The amendment, being put to the vote, was lost, only three voting for it, viz., Messrs. Tobin, Castellain, and Grüning, all directors of the Company of African Merchants.

The original motion was then put, and carried, with three dissentients, viz., the three directors previously named.

Mr. G. H. Horsfall then proposed the appointment of a sub-committee, to adopt the best means of promoting the views of the majority, which was agreed to; and, on the termination of the general meeting, the sub-committee, consisting of Messrs. Harrison, Stuart, Tyson, Ashmall, and G. H. Horsfall, agreed that the following constitute the ground of opposition to the grant:—

First. That it is opposed to the principles of fair and free trade, to subsidise a company which is in active competition with private merchants in the same trade.

Secondly. That all past experiments have been attended with loss of life, waste of the public money, and complete failure in attaining the objects sought for; and, further, that they have retarded the extension of legitimate trade in the rivers on the coast, to the injury of private individuals engaged in commerce. And,

Thirdly. That one principal argument hitherto urged in favour of the grant has been its tendency to suppress the slave trade, whereas the slave trade has, for many years, ceased to exist in the Niger or any of its branches.

— No. 6. —

Mr. *Loyard* to the Secretary to the Treasury.

Sir,

Foreign Office, 29 April 1864.

I AM directed by Earl Russell to transmit to you, to be laid before the Lords Commissioners of Her Majesty's Treasury, copies of a Correspondence, as marked in the margin, which has passed between the Company of African Merchants and this Department, on the subject of an application made by Mr. Hamilton, the chairman of the Company, for a subsidy from Her Majesty's Government, to enable the Company to establish a line of steamers on the Niger River, with the view to the development of the resources of the countries bordering on that river and its tributaries.

Their Lordships will perceive, from the letter addressed by Lord Russell's directions to Mr. Hamilton, on the 13th of August last, that his Lordship was unwilling, in the first instance, to entertain the proposal of the Company, on the ground that, if a subsidy were granted, it would place the Company at an advantage, as compared with other parties, who might contemplate engaging in commercial operations in the Niger. Experience, however, would seem to prove that no private individual, or company, is willing to incur the large expenditure necessary for navigating and establishing proper trading stations in the Niger, with little chance of adequate returns for several years, unless a subsidy is granted by Her Majesty's Government; and Lord Russell is, therefore, of opinion that it would be sound policy, and money well spent, to accede to Mr. Hamilton's application for a subsidy to this Company.

His Lordship desires me to observe that the failure of the late Mr. McGregor, Laird's efforts for the navigation of the Niger may be attributed, in the first instance, to his having undertaken a scheme which was beyond the means of a single individual to carry out successfully.

Subsequently, the hostility of the natives and the failure of an escort which had been promised to convey his vessels past the hostile towns, and then the death of Mr. Laird himself, compelled the abandonment of an expedition which, under more favourable circumstances, would probably have been attended with very different results.

Since Mr. Laird's death, three expeditions have ascended the Niger successfully, without the loss of a single man. The reports of the officers and other persons competent to form an opinion, who have ascended the river, are unanimous in stating that the resources of the country offer every probability of a large and valuable trade being developed in a few years. The hostility of the natives, moreover, has been overcome, and treaties made with the principal kings and chiefs in the rivers, by which they have agreed to protect European and other traders, and in return promises have been made to these chiefs, that trading posts should be established in their territories.

I am to state that the only object Her Majesty's Government have had in view in maintaining Dr. Baikie's expedition in the interior of Africa, for the last six years, has been to prepare the way for opening out the Niger and its tributaries to the commerce of this country, and, by developing legitimate commerce, to strike at the root of the slave trade.

The character and standing of the persons composing the Company of African Merchants, the means they possess, and their experience in the African trade, offer, in Lord Russell's opinion, every probability that the present scheme for navigating the Niger will be carried out in a manner that will settle the question whether it is possible or not to establish an extensive and profitable trade by means of this river with the interior of Africa, and, under these circumstances, his Lordship has no hesitation in recommending the application of this Company for a subsidy, to the favourable consideration of the Lords of the Treasury.

I am to add, that Lord Russell would be disposed to consider a subsidy of five thousand pounds (5,000 *l.*) a-year for five years as sufficient; and if, as Lord Russell trusts, their Lordships will be prepared to accede to this recommendation, it will be important that he should be made acquainted with their decision at as early a date as possible, in order that the necessary instructions may be sent to the African coast in time to communicate with Dr. Baikie this season.

I am, &amp;c.

(signed) *A. H. Loyard.*

From Company of  
African Merchants,  
July 22/63.

To do. Aug. 13/63.

Fr. do. Aug. 24/63.

Fr. do. Aug. 31/63.

Fr. do. Jan. 1864.



## Enclosure 1, in No. 6.

(Copy.)

Company of African Merchants (Limited),

11, St. Helen's-place, E.C., 22 July 1864.

My Lord, We have the honour to enclose, for your Lordship's information, a copy of the prospectus of the Company of African Merchants, which is now finally constituted, with the whole of its capital, 400,000*l.*, subscribed.

The capital thus subscribed will be ample for the present purposes of the Company, but they have power, should it be necessary, to raise additional capital.

The objects of the Company are partly sketched out in the prospectus; but the directors are more particularly desirous of coming to a decision as to immediate operations in the River Niger. They are prepared to negotiate with Her Majesty's Government for continuing and extending the operations of the late Mr. M'Gregor Laird, and otherwise to give effect to the valuable labours of Dr. Baikie.

For the purpose of maintaining steam communication with the interior, the directors are convinced that Government support is necessary for a few years, until the trade is established, after which they are equally persuaded it will be sufficiently developed to be self-supporting, and, eventually, to be the means of securing to this country the trade of the interior of Africa, by the Rivers Niger and Chadda, and opening up a promising and boundless field for the supply of cotton; while, at the same time, the operations of legitimate commerce will prove, as they have already done, on various coast rivers, the most effectual means of destroying the slave trade from the interior to the coast, by which the foreign slave trade is supplied.

We beg leave, therefore, to express a hope that, in view of the great national importance of these objects, Her Majesty's Government will accord to the Company of African Merchants such assistance and support as may be found necessary for the fully carrying out of the plans contemplated by the directors of this Company.

We have, &amp;c.

(signed) *W. Dent.**A. Hamilton.*

## Enclosure 2, in No. 6.

(Copy.)

Gentlemen,

Foreign Office, 13 August 1863.

I AM directed by Earl Russell to acknowledge the receipt of your letters of the 22d of July, enclosing a prospectus of the Company of African Merchants which has been formed for the purpose of carrying on trade on the western coast of Africa, and stating that the company are prepared to negotiate with Her Majesty's Government for continuing and extending the operations of the late Mr. M'Gregor Laird, in the Niger River, and otherwise to give effect to the valuable labours of Dr. Baikie.

I am, in reply, to state, that Lord Russell is fully sensible of the advantages which this country would derive from a development of the resources of the interior of Africa, by means of the Niger and Chadda Rivers; and while his Lordship is prepared to render such assistance as it is in the power of Her Majesty's Government to afford to the Company, in the furtherance of any scheme they may have in contemplation for the navigation of those rivers, he is, at the same time, of opinion that he would not be justified in recommending the Lords of the Treasury to grant a subsidy for this purpose.

The granting a subsidy to the Company of African Merchants would place them in a position of advantage which might give good grounds for complaint on the part of other merchants engaged in trade with Africa, and who may contemplate carrying on operations in the Niger River.

Recent events have proved that that river may now be safely navigated for a very considerable distance into the interior; and, if the Company of African Merchants should be prepared now, or at a later period, to push their operations up the Niger and Chadda, Lord Russell will establish a consul at Rabba, or at such other place as may be considered most advantageous, and will also, by making presents to the native chiefs, do all in his power to facilitate the operations of British traders in those rivers.

With regard to the request of the Company for an interview with Lord Russell, I am to state, that his Lordship is out of town, but that I shall be happy to receive a deputation from the Company.

I am, &amp;c.

(signed) *A. H. Layard.*

## Enclosure 3, in No. 6.

The Company of African Merchants,

11, St. Helen's-place, London, 24 August 1863.

Sir,

I HAVE the honor to acknowledge receipt of your favour of 13th inst., stating that Earl Russell is of opinion that he would not be justified in recommending the Lords of the Treasury to grant a subsidy for the navigation of the River Niger, chiefly on the ground that, if a subsidy were granted to this Company, it would place us at an advantage, as compared with other parties who may contemplate operations in that river.

Her Majesty's Government are, doubtless, well aware of the advantages which this country would derive from opening up a trade with Central Africa, as well as the benefits which would result to the natives from the establishment of legitimate trade in the river and adjacent countries, where it would operate powerfully in diminishing the traffic in slaves; these being, in fact, the grounds on which subsidies have already been granted for the same purpose.

The operations of the late Mr. McGregor Laird were undoubtedly of the utmost value as experiments, but were abruptly terminated by his death; and the capital he was able to embark was not sufficient fairly to develop the trade. Ever since the expedition sent up the river by a Liverpool company in 1832, all attempts have, without exception, proved disastrous to those concerned, chiefly from their desultory character; they have, however, shown decisively that a remunerative trade cannot be established without frequent and regular steam communication, while the river is practicable, and the application of a very considerable capital in the establishment of permanent trading stations at numerous points on the river; and further, that several years must elapse before the capital thus employed can yield a profitable return.

In the event of an arrangement with Her Majesty's Government, the Company of African Merchants contemplate establishing a trade on a scale never hitherto attempted; they would immediately contract for and send out one or more powerful paddle-steamers, as may be found requisite; would station a hulk at the mouth of the River Nun; and establish trading depôts at various points, most likely Angiania, Abo, Onitsha, the Confluence, and Egga, keeping the same at all times supplied with assortments of goods. These operations would at once occupy a capital of at least 50,000 £, and the Company would be prepared to push further into the interior, and increase their outlay, as soon as warranted by the prospects.

It is confidently expected that the natives will cease to molest the steamers, when accustomed to see them constantly plying on the river; being, moreover, conciliated by the facilities of trading thereby afforded; besides which, the Company propose so to construct and equip their steamers, as to shelter the crews from any casual attack, and to give them sufficient power to push rapidly past any point temporarily hostile. By these precautions, I have no doubt of being able to dispense with the presence of a gunboat in the river.

Any attempt upon a small scale would certainly fail; and it must be obvious that no individual or mercantile Company could, with due regard to prudence, embark the requisite capital, subject to the certainty of losses for several years at the outset, to say nothing of the ultimate risks, merely to establish (if successful) a trade for the benefit of all comers, since a monopoly is, of course, out of the question.

Her Majesty's Government have already, at various times, applied considerable sums towards this purpose, which will be fruitless unless followed up. It does, therefore, seem a pity that they should withhold their hands, now that a Company, possessed of adequate means, is prepared, if properly supported, to carry out the objects so long desired by all who have taken an interest in Africa; nor, considering the great public interests at stake, does it seem unreasonable that a further subsidy should be granted, if but for a few years, for navigating the Niger, until the trade can be sufficiently established to allow of its being carried on by private enterprise alone.

I cannot admit that any such subsidy could justly be considered in the nature of a bounty, giving this Company an advantage as compared with others; at all events, we propose to perform substantial services in return; we should bind ourselves to keep up regular steam communication in the river, whenever navigable for vessels drawing six feet water. To carry passengers and supplies to the various missionary stations; to convey and victual all Government officers and scientific persons on the same terms as the late Mr. Laird; to afford the means for liberated Africans to return to their country; to carry native traders to and fro, which we deem of great importance; and we should likewise be prepared to carry, on fair terms, the goods and passengers of such other merchants as may in course of time wish to trade up the river, as we consider, ere long, there will be ample room for all who are so inclined; and we look forward to the transport of such goods and passengers as a legitimate source of income. Viewing the question merely as one of Government outlay, we believe that the Treasury would economise by granting a moderate subsidy, as proposed, instead of continuing the present system with the additions contemplated. There would no longer be any necessity to maintain Dr. Baikie at the confluence, or to establish the proposed consulship at Rabba, which would entail the serious cost and inconvenience of frequent ascents by gunboats for communication and support. Nor would it be necessary to incur the expense of presents to native chiefs,

which



which would soon swell to a considerable amount, and is otherwise not wholly free from objections. While, therefore, I believe that the direct savings would fully counterbalance the proposed subsidy, it is impossible to over-estimate the importance of the indirect influence which the Company's operations would have on diminishing the interior traffic in slaves. This would cut off a large supply from the foreign slave trader, and effectually assist those efforts to suppress the slave trade, which now entail a heavy annual expenditure.

I abstain, for the present, from entering upon the question of the supplies of cotton, which can, undoubtedly, be obtained from the Niger districts, as soon as mercantile operations shall have been permanently established in the manner above sketched out.

Under these circumstances, I trust that Earl Russell will give the matter further consideration, and recommend the Treasury to grant a subsidy on a diminishing scale similar to the contract entered into with the late Mr. MacGregor Laird, dated 1st January 1857.

On behalf of the Directors of the Company of African Merchants,

A. H. Layard, M. P.

I have, &c.  
(signed) A. Hamilton.

#### Enclosure 4, in No. 6.

The Company of African Merchants (Limited),

Sir,

11, St. Helen's-place, London, 31 August 1863.

WITH reference to the conversation this day, I have now the honour, in continuation of my letter of the 24th instant, to state that the subsidy which we consider adequate for the establishment of steam communication on the River Niger, would be the same as granted to Mr. MacGregor Laird in the Contract dated January 1st 1857, viz. :

|                              | £.    |
|------------------------------|-------|
| For the first year - - - - - | 8,000 |
| „ second year - - - - -      | 7,500 |
| „ third year - - - - -       | 7,000 |
| „ fourth year - - - - -      | 6,500 |
| „ fifth year - - - - -       | 6,000 |

And I beg to repeat an offer that was made in the course of conversation that separate accounts shall be kept of trading operations in the river, and should those accounts, when the trade has been fairly established, show a profit beyond 6 per cent. on the capital embarked, we are willing, if it would be satisfactory to Her Majesty's Government, to agree to return one-half the excess over 6 per cent., until the payments under the subsidy shall have been reimbursed with interest.

On behalf of the Directors of the Company of African Merchants,

A. H. Layard.

I have, &c.  
(signed) A. Hamilton.

#### Enclosure 5, in No. 6.

Company of African Merchants,

11, St. Helen's-place, 18 January 1864.

My Lord,

I HAVE the honour respectfully to request your Lordship's attention to my letters of 24th and 31st August, relative to the establishment of steam navigation on the River Niger, with a view to the development of trade with Central Africa.

Your Lordship is, no doubt, aware that the season is limited during which steamers drawing more than six feet water can ascend the river; and, in order to operate with a fair chance of success, it will be necessary to have steamers built specially for the service.

The waters commence rising in July, so that the matter presses for decision if we are to save even a portion of the ensuing season.

We are preparing to contract for a couple of steamers, and making all arrangements to take immediate action as soon as we receive the decision of Her Majesty's Government.

I cannot imagine that so advantageous an offer as we have made will be rejected, affording, as it does, an opportunity of carrying out, on an effective scale, the object which has been so long desired, of opening up commerce with the interior of Africa, and on which so much public money has already been expended

The recent ascent by Her Majesty's Ship "Investigator" was, no doubt, successful, but it adds nothing to our previous knowledge, and an occasional ascent of this kind is of no use unless followed up by regular steam communication with the establishment of trading depôts on the scale projected in my letter of 24th August; furthermore, without being followed up in this way, the treaties of commerce effected by the commander of Her Majesty's ship "Investigator," and the exertions of Dr. Baikie, are of no practical value.

To the Right Hon. Earl Russell,  
&c. &c. &c.

I have, &c.  
(signed) A. Hamilton.

— No. 7. —

Mr. *Layard* to the Secretary to the Treasury.

Sir,

Foreign Office, 4 May 1864.

WITH reference to my letter of the 29th instant, I am directed by Earl Russell to transmit to you, to be laid before the Lords Commissioners of Her Majesty's Treasury, copies of further letters addressed by the African Company of Merchants to Viscount Palmerston, with reference to the subsidy which they are desirous of obtaining from Her Majesty's Government for the purpose of navigating the River Niger.

The Secretary to the Treasury,  
&c. &c. &c.

I am, &c.  
(signed) A. H. *Layard*.

Enclosure in No. 7.

(Confidential.—For use of a Deputation.)

STEAM NAVIGATION and TRADE on the RIVER NIGER.

The Chairman of the Company of African Merchants to Viscount *Palmerston*, K. G.

See Paper No. 4, page 3.

*N.B.*—The subsidy applied for is the same as was granted to the late Mr. Macgregor Laird, viz. :—

|                    | £. |   |   |   |   |   |   |       |
|--------------------|----|---|---|---|---|---|---|-------|
| For the first year | -  | - | - | - | - | - | - | 8,000 |
| „ second year      | -  | - | - | - | - | - | - | 7,500 |
| „ third year       | -  | - | - | - | - | - | - | 7,000 |
| „ fourth year      | -  | - | - | - | - | - | - | 6,500 |
| „ fifth year       | -  | - | - | - | - | - | - | 6,000 |

And the company has offered that separate accounts shall be kept of trading operations in the river, and should those accounts, when the trade has been fairly established, show a profit beyond six per cent. on the capital embarked, they are willing, if it would be satisfactory to Her Majesty's Government, to agree to return one-half the excess over six per cent. until the payments under the subsidy shall have been reimbursed.



# THE COMPANY OF AFRICAN MERCHANTS (LIMITED).

To be Incorporated, with Limited Liability, under the Joint Stock Companies Act.

CAPITAL—£. 400,000, in 40,000 *l.* Shares of 10 *l.* each, with power to increase.

(Of this amount, £. 300,000 has been subscribed by the founders of the Company, and 100,000 *l.* is offered to the public.

£. 1 per Share to be paid on application. No further payment for three months. Calls of not more than 1 *l.* per Share, at periods of not less than three months. It is not contemplated to call up more than 5 *l.* per Share. In any increase of Capital, preference will be given to existing Shareholders.

## DIRECTORS:

William Dent, Esq., Chairman of the Thames and Mersey Insurance Company, London.  
Archibald Hamilton, Esq. (Messrs. Sinclair, Hamilton, & Co.), London.  
A. Castellain, Esq. (Messrs. Fred. Huth & Co.), Liverpool.  
J. Aspinall Tobin, Esq. (Messrs. Thos. Tobin & Son), Chairman of the Liverpool and London Insurance Company, Liverpool.  
L. Gruning, Esq. (Messrs. Fred. Huth & Co.), Liverpool.  
L. Langworthy, Esq., Manchester.  
R. Rumney, Esq., Manchester.

Managing Director:—J. Aspinall Tobin, Esq.

Bankers:—Messrs. Leyland & Bullins, Liverpool; the Alliance Bank of London and Liverpool, London; Messrs. Heywood, Bros., & Co., Manchester.

Brokers:—Messrs. P. Cazenove & Co., London; Messrs. Tinley & Sons, Liverpool; Messrs. Shore & Kirk, Manchester.

Temporary Offices:—57, South John street, Liverpool; 8, Adelphi-terrace, Strand, London.

IN no part of the world, perhaps, is there so great a field for the extension of British commerce as on the West Coast of Africa; not only are the resources almost inexhaustible and of the most varied character, but the natives on all parts of the coast are most anxious to carry on trading operations with the English nation. This is proved not only by the very rapid development of the trade during the last few years, but by the accounts of all those travellers and explorers who have visited the country, and whose published reports have thrown so much light on the capabilities of that part of the world.

The West Coast of Africa is not only very populous, but is teeming with the richest products. No sooner is an English Factory established in any part than it at once forms a nucleus for a very considerable trade.

The African trade is still conducted in the most primitive manner, the goods taken out in the vessels being bartered with the natives for palm oil, ivory, &c., and if managed by experienced parties is calculated to yield a very large return upon the capital.

Up to the present time comparatively little has been done to develop its resources—the trade is, in truth, merely in its infancy, and there can be no doubt that it will soon become one of the most valuable to this country.

|                                                                                                                                         |              |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------|
| In 1827, the value of British and Foreign goods exported from the United Kingdom to the West Coast of Africa was                        | £. 155,759   |
| In 1840                                                                                                                                 | 410,798      |
| In 1850                                                                                                                                 | 890,216      |
| In 1860                                                                                                                                 | 1,145,434    |
| The total actual value of imports from Africa for the six years, 1856 to 1861 inclusive (being the latest official return), amounted to | 9,804,356    |
| The total actual value of exports for same period being                                                                                 | 5,877,523    |
| Leaving a balance to cover freight, commission, expenses, and profit of                                                                 | £. 3,926,833 |

But to this should be added the value of produce shipped in Africa to France and Holland, in return for goods included in the above exports, making a balance of nearly 5,000,000 *l.* This is a sufficient index of the value of the trade.

|                                                              |             |
|--------------------------------------------------------------|-------------|
| In 1818, the import of Palm Oil into England from Africa was | 1,465 tons. |
| In 1823                                                      | 3,328 "     |
| In 1831                                                      | 8,164 "     |
| In 1841                                                      | 19,853 "    |
| In 1860                                                      | 40,216 "    |

And while such has been the increase in one article, there are many which have only recently attracted attention.

Cotton, for instance, of which in 1850 only 237 lbs. were imported, had increased in 1860 to 417,000 lbs. (a far more rapid increase than occurred during the early period of cotton-growing in America, and it must be remembered this extraordinary increase took place before any stimulus was given by advance of price consequent upon the American war); and those who have paid particular attention to the subject contemplate within a very brief period an import of 100,000 bales.

The natives have always been satisfied with  $1\frac{1}{2}$  d. to 2 d. per lb. for clean cotton, or  $\frac{1}{2}$  d. per lb. in the seed.

Dr. Baikie's list of prices in the Niger was as follows:—

|                                        | Cost there.          | Price in England at same Period. |
|----------------------------------------|----------------------|----------------------------------|
| Shea Butter from Nussé - - - - -       | 10 l. 10 s. per ton. | 40 l. per ton.                   |
| Ditto from Bassa - - - - -             | 5 l. 5 s. "          | 25 l. "                          |
| Palm Oil from Bonu - - - - -           | 10 l. 10 s. "        | 40 l. "                          |
| Ivory Scrivelloes - - - - -            | 1 d. to 1 s. per lb. | 2 s. to 3 s. per lb.             |
| Ditto Teeth - - - - -                  | 1 s. 6 d. to 3 s. "  | 4 s. 6 d. to 5 s. 3 d. "         |
| Cotton - - - - -                       | $1\frac{1}{2}$ d. "  | 1 s. 11 d. * "                   |
| Indigo (faint purplish tint) - - - - - | 8 d. "               | 2 s. 6 d. to 5 s. "              |
| Wax - - - - -                          | 4 d. "               | 1 s. 5 d. "                      |
| Salt from England - - - - -            | 25 l. per ton.       | 10 s. per ton.                   |

\* This price was realised for 450 lbs. brought down to Bonu in H.M.S. "Investigator" in October last.

Copper ore exists in immense quantities and of the richest character, containing on an average 49 per cent. of pure copper, while the Cornish ores contain only from seven to nine per cent.

There are tens of thousands of tons of palm kernels, full of oil, thrown aside on the banks of the rivers by the natives, for want of simple means of crushing the shells and extracting the oil therefrom.

Pea-nuts were first shipped from the River Gambia in 1849, yet, in 1860, no less than 12,000 tons were shipped from that river alone.

Besides these products, ivory in immense quantities, gold, gums of various descriptions, bees wax, coffee, India-rubber, pepper, dye woods of various kinds, camwood, and ebony, all are to be procured in great abundance, and are brought to the vessels on the coast.

The English Government have always shown an earnest desire to develop the trade on the Niger and other African rivers, and granted a subsidy to the late Mr. MacGregor Laird for this purpose. If considered desirable, efforts might be made to secure such subsidy.

The efforts of such men as the late Mr. R. Jamieson, Mr. MacGregor Laird, Dr. Barth, Dr. Baikie, and many others, have proved the vast capabilities of the West Coast of Africa; their efforts may now be turned to profitable account, but it is felt that the surest and speediest mode of reaping the utmost advantages from their exertions would be by the influence of associated capital placed under the management of Directors, who from long experience have an intimate and practical acquaintance with the best method of conducting such a trade—for it must be always remembered, that unless the co-operation of such men can be obtained, any scheme for the extension of the African trade will result in disappointment.

With this view negotiations have been entered into with gentlemen largely interested in the trade, who will bring not only their experience to the aid of the company, but who, being satisfied of the pecuniary advantages of the undertaking, will subscribe a very large share of the proposed capital, and bring with them the services of their most able and experienced traders. They will also place at the disposal of the company their existing establishments on the various parts of the coast, so that business would be immediately commenced, and the company would reap the whole of the advantages arising from an old-established connection on the coast. A large trade would in this way be carried on within a few months of the commencement of the undertaking. These advantages it would be difficult to over-estimate.

So satisfied are the founders of the Company of the profitable nature of the business, that they have themselves subscribed 300,000 l. leaving only 100,000 l. to be offered to the public.

While pointing out the advantages of the undertaking from its commercial aspect, it ought not to be lost sight of that by the extension of legitimate commerce, and by that alone, can it be hoped to extinguish the slave trade of Africa. Mr. Gladstone, in his speech on the Budget, in April, 1851, said, "that in endeavouring to extinguish the slave trade, the promotion of legitimate commerce would be the most satisfactory, the most effective, and the most desirable of all the instruments you can apply?" and the Committee of the House of Lords reported (22 July 1850), "The slave trade cannot be permanently suppressed by any means which do not at the same time foster a lawful trade, by



by which the desires of the native chiefs for European goods can be supplied; to promote, therefore, this trade should be one chief object of our exertions.

The rivers Benin, Bonny, Brass, Calabar, and Cameroons were once the chief seats of the slave trade—the Niger, through these rivers, discharges itself into the ocean. For many years past, there has been no slave trade in these parts, legitimate commerce having entirely supplanted it. Further south of these rivers, a large and valuable trade has for some years past been gradually developed, and the slave treaty recently entered into between this country and America, will no doubt give increased facilities to legitimate commerce.

The Directors will receive no remuneration until the shareholders have received 5 per cent. upon the paid-up capital.

Prospectuses and forms of application can be obtained from the brokers of the Company. Applications to be sent in (not later than Friday the 10th instant) to the brokers of the Company, or to the temporary offices, 57, South John-street, Liverpool. Deposits for shares which may not be allotted, will be returned in full.

Temporary offices:—57, South John-street, Liverpool; 8, Adelphi-terrace, Strand, London.

#### FORM of APPLICATION for SHARES.

To the Directors of the Company of African Merchants (limited).

Gentlemen,

HAVING paid to your bankers the sum of \_\_\_\_\_ pounds, being deposit of 1 l. per share, I hereby request you will allot me \_\_\_\_\_ shares in the "Company of African Merchants (limited);" and I hereby agree to accept such shares, or any smaller number that may be allotted to me, and to sign the articles of association of the Company when required; and I hereby authorise you to enter my name on the register of shareholders.

I am, &c.

Name in full \_\_\_\_\_  
Address in full \_\_\_\_\_  
Date \_\_\_\_\_

#### BANKER'S RECEIPT for DEPOSIT (1 l. per share).

Received the \_\_\_\_\_ day of \_\_\_\_\_ 1863, from  
the sum of £. \_\_\_\_\_ being deposit (1 l. per share) on application for  
shares in the "Company of African Merchants (limited)."  
Date \_\_\_\_\_ Bankers to the Company.

#### THE NIGER ENTERPRISE.

Company of African Merchants (Limited).  
11, St. Helen's-place, 15 April 1864.

My Lord,

YOUR Lordship expressed a wish for a written statement of the reasons urged by the deputation yesterday in favour of a subsidy; I have, therefore, the honour to set down what follows, in addition to the printed statements handed to your Lordship.

First, as to the slave trade. It is well known that the rivers from which palm oil is now exported to the value of 1,500,000 l. per annum, were once the head-quarters of the slave trade. The palm-oil trade, wherever established on the coast, has driven out the slave trade. Precisely the same effect will follow when legitimate commerce has been established in the interior; by thus counteracting the slave trade at its chief source a saving will, ere long, be effected on the West Coast Squadron, in comparison with which the subsidy applied for must appear trifling.

The natives of the interior are known to be eager for trade; but, unfortunately, the traffic in slaves is the principal means of paying for the small supplies of European goods which now reach them. The rivers Niger and Chadda, by means of steamers, can be made for legitimate commerce, and the produce in exchange would be chiefly Shea butter and cotton. The former is a valuable oil, and would be a new article of commerce, only a few tons having as yet been imported, while the cotton would be from an entirely new source of supply. Ivory would be attracted by the new markets when established; but this would merely be a diversion of trade, whereas the Shea butter and cotton would be a new trade created.

It is obvious that time will be required to develop this trade; the natives must, first of all, feel assured of a demand for such produce when raised, and time must elapse before they

they are accustomed to resort to the new markets for European goods in exchange for their produce. To effect this these markets must be kept constantly supplied.

The steamers necessary for these operations will cost upwards of 30,000 £, and the outlay will not be much less than 40,000 £ by the time they are placed on the Niger. The cost of coals and high wages, owing to the climate, render it very expensive to maintain steamers on the river, while there are no means of repair in case of accident to the hull or machinery. Mr. Laird's steamer "Day Spring" was lost in 1857, and he found it afterwards impossible to insure against the risk of the loss on river surface.

While, therefore, it is necessary to commence operations by a heavy outlay in steamers, together with a great expense and risk in maintaining them, it will take several years to develop a remunerative trade, which is the reason why I have stated in a former letter, that whoever undertakes the "Niger enterprise" must be prepared to face a yearly loss for some time.

We seek no exclusive privilege, but have offered to carry goods and passengers for others on fair terms. The subsidy is applied for, not on account of trading operations, but to assist in establishment of steam communication on the river for the general benefit—for British merchants, native traders, liberated Africans, missionaries, Government officers, and all who may wish to avail themselves of it. Whatever arguments may be used against subsidizing steamers, where a large trade already exists, I submit they are not applicable to a case of this kind; and it should be borne in mind that, while we ask for a five years' subsidy, we contract to keep open the steam navigation for the same period, which has not yet been done. Further, I may remind your Lordships, as was stated yesterday, that if any other existing Company is willing to undertake the enterprise, and can satisfy Her Majesty's Government that they possess the means, and will engage to embark the same capital in steamers and trading stations, and bind themselves to keep steamers on the river for five years, we are willing to stand aside and follow in their wake.

Enclosed is a copy of the prospectus, the full capital of which, 400,000 £, has been subscribed. The main objects of the Company are to carry on the ordinary trade of the West Coast of Africa. The proposal to open Central Africa to commerce by the rivers Niger and Chad embraces philanthropic and national objects as well as commercial; and as it will assuredly be attended with a considerable loss during the time necessary for establishing and developing trade, the directors feel they would not be justified as regards the shareholders, to embark so large a sum as 80,000 £, unless Her Majesty's Government will consent to share the "preliminary risk and expense by means of a subsidy for maintaining steam communication on the rivers. In the event of the enterprise ultimately failing, the total loss would scarcely be less than double the subsidy.

The subsidy applied for is 35,000 £, spread over five years, with an undertaking to return the amount out of profits after 6 per cent. on the capital embarked. But understanding that it might be more agreeable to Her Majesty's Government to grant 25,000 £, spread over five years, without any stipulation for return, we would not decline the service on such terms. For several reasons, I consider the first proposal more satisfactory for both parties; but rather than forego this great enterprise we will accept the latter.

To the Right Hon. Viscount Palmerston, K.G.  
&c. &c. &c.

I have, &c.  
(signed) A. Hamilton.

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— No. 8. —

Mr. Layard to the Secretary to the Treasury.

Sir,

Foreign Office, 30 May 1864.

With reference to my letter of the 29th ultimo, recommending the grant of a subsidy to the Company of African Merchants, for the navigation of the River Niger, I am directed by Earl Russell to transmit to you the accompanying copies of letters received in this department from merchants engaged in the African trade, deprecating the grant of a subsidy from the public funds to the company in question.

Lord Russell desires me to request, that in laying these papers before the Lords Commissioners of Her Majesty's Treasury, you will observe to their Lordships that inasmuch as it is part of the scheme of the Company of African Merchants to carry the small native traders and their goods not only up and down the Niger, but also on other parts of the African coast embraced within the operations of the Company, at reasonable rates, and also to take produce on commission from the native traders, a strenuous opposition on the part of those merchants already engaged in the African trade was only to be expected.

In



In several of the principal rivers on the coast, the merchants already established there have obtained an entire monopoly of the trade by giving out goods on trust, in some instances, to the value of the produce of the river, for upwards of two years in advance, thus preventing any new trader from dealing with the natives until the debts due to the old traders are paid; and the result of this state of things is seriously detrimental alike to the development of the resources of Africa and to the trade of this country.

Lord Russell is not disposed, therefore, to attach the same weight to the representations of the merchants whose signatures are attached to the accompanying letters that he would if they were disinterested parties. It is, no doubt, probable that the interests of some of the merchants engaged in the trade of the Brass River, who derive their supplies of palm oil from the Niger, with which the Brass River has an inland water communication, might be injuriously affected by the establishment of a direct trade with the Niger; but, on the other hand, when it is taken into consideration the vast extent of country the Niger and its tributaries give access to, which is now almost entirely cut off from communication with the civilized world, Lord Russell cannot but consider that the civilization of Africa would be promoted, and the interests of this country be materially benefited by the successful carrying out of a scheme for the navigation of the Niger; and his Lordship is of opinion that the interests of a few private individuals ought to give way to the public good.

I am further directed to enclose, for their Lordships' information, copies of the last reports received in this department from Mr. McCoskry, and Commodore Wilmet, relating to the trade of the Niger.

The Secretary to the Treasury.  
&c. &c.

I am, &c.  
(signed) A. H. Layard.

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Enclosure 1, in No. 8.

MEMORIAL of the Anglo-African Company (Limited).

To the Right Honourable Earl Russell, &c. &c.

My Lord,

London, 71, Jermyn Street, 12 May 1864.

WE respectfully submit for your Lordship's consideration, with reference to an application from "the Company of African Merchants (Limited)," for a grant or subsidy from the British Government:

1. That the prosecution of commercial undertakings on the coast and in the interior of Africa, whilst attended with unusual and inevitable difficulties and dangers, is directly calculated to promote the industry, intelligence, and civilization of that quarter of the globe, and that the exemption of the natives of Africa from the horrors of the slave trade may be regarded as the natural effect of British competition for African industry.

2. That a joint-stock "Company of African merchants" has recently been formed under the Limited Liability Act, to participate in the pecuniary advantages anticipated from a development of the "almost inexhaustible resources" of so great a field for the extension of British commerce as the West Coast of Africa.

3. That the promoters of that Company in their prospectus enumerate in detail the various products of the African soil and climate, which they desire and expect to procure from the natives by barter; and conclude their catalogue of such articles as peanuts and beeswax, with the item of a subsidy of 5,000*l.* from the British Government, formerly granted, under very different circumstances, to Mr. MacGregor Laird, and which, "if considered desirable," they hold out to the shareholders as a reversionary expectancy.

4. That the grant of such subsidy would give a prestige to its recipients which would be destructive of the healthful competition now existing among the various Companies and the many merchants engaged in the African trade.

5. That the legitimate profits accruing from a well-conducted trade offer abundant inducements for the investment of capital, without any necessity or excuse for the taxation of the British public, for the exclusive benefit of a particular trader to the general prejudice of all others.

6. That bribery by a subsidy is as opposed to the principles of free trade as the tyranny of compulsion would be subversive of that liberty of action which is the soul of commerce.

7. And that if any African traders were to be subsidized by the British Government,

your memorialists confidently submit that a monopoly would be created, an injustice perpetrated, and the progressive advancement of the African trade indefinitely postponed.

For which reasons we respectfully venture the expression of a hope that your Lordship will refuse the sanction of the British Government to a speculative investment of public funds so manifestly prejudicial to British commercial interests.

To the Right Hon. Earl Russell,  
&c. &c. &c.

We have, &c  
(signed) *B. Isaac*, Chairman.  
*H. Charles Aldis*, Secretary.

Enclosure 2, in No. 8.

My Lord,

Liverpool, 3 May 1864.

WE the undersigned merchants, including every house in Liverpool trading to the West Coast of Africa (with the exception of the "Company of African Merchants, Limited," and one gentleman connected with it), employing 66 ships, of 30,228 tons register, entirely in the African trade, view with surprise and alarm the application of the "Company of African Merchants, Limited," for a subsidy from Government, on the ground of developing the trade of the Niger, with the further professed objects of extending civilization in Central Africa, and of assisting to suppress the slave-trade.

Our surprise is occasioned by the fact of an application for Government aid being made by a purely trading company, in the face of the enlightened policy of the present day, and the very proper opposition offered to any system of legislation resulting in the advantage of the few to the injury of the many.

The merchants engaged in the African trade have hitherto competed with the entire world without any assistance from Government, beyond the protection to life and property afforded to Her Majesty's subjects in all parts of the globe, and we cannot but view with alarm the possibility of a subsidy being granted to a powerful company which is in active competition with us in most parts of the West Coast of Africa. A Government grant, however moderate, and even if paid exclusively for work done on the Niger, would give a company so subsidised an undue importance in the eyes of the natives, and an unfair advantage over private firms in other parts of the coast.

Whilst Government aid was given, as in the case of the late Macgregor Laird, to a private individual not engaged in trade in other parts of Africa, but solely for the purpose of opening up the Niger, and with the view of extending civilization, so far from offering any protest, we have viewed with deep interest the efforts made, and have wished them complete success; but as the Niger has been effectually explored to the furthest navigable point, namely, the rapids at Rabbah, both by private philanthropists and the Government, at a great outlay of public money as also of private property, and unfortunately at the sacrifice of many valuable lives, we consider the time has passed for any further grants from Government solely for the purpose of exploration.

If so successful a trade is to be prosecuted up the Niger (as the company represents in its prospectus herewith), we think it should be left to private enterprise, which will be amply rewarded, and it would be manifestly unjust to tax the community at large for the benefit of private interests.

That there is no slave-trade to be lessened or entirely suppressed by the proposed enterprise for furthering which a grant from the public purse is now sought, is evident from the incontrovertible fact that not a single slave has been exported from the Niger or any of its mouths for at least 10 years.

We therefore respectfully submit to your Lordship our objections to the grant to the "Company of African Merchants, Limited," not on the ground of its being excessive, but solely because of the principle involved, and in the fervent hope that Government will not entertain with favour the proposed subsidy, but decide, on the contrary, that it would be both an impolitic precedent and an improper expenditure of the public money.

|                                |                                      |                                     |
|--------------------------------|--------------------------------------|-------------------------------------|
|                                | We are, &c.                          |                                     |
| (signed)                       | <i>Thomas Harrison &amp; Co.</i>     | <i>Alfred Aspinall.</i>             |
|                                | <i>Hatton &amp; Cookson.</i>         | <i>Charles Horsfall &amp; Sons.</i> |
|                                | <i>Tyson, Richmond, &amp; Jones.</i> | <i>Stuart &amp; Douglas.</i>        |
| Per pro. Grant, Murdoch, & Co. |                                      | <i>George J. Cornish.</i>           |
| <i>David Clark.</i>            |                                      |                                     |

To the Right Honourable Earl Russell, &c., &c.,  
Her Majesty's Secretary of State for Foreign Affairs.

Enclosure 3, in No. 8.

My Lord,

Bristol, 6 May 1864.

WE the undersigned merchants of Bristol, trading to the coast of Africa, have heard with surprise that an application by a "Company of African Merchants (Limited)" for a subsidy for developing the trade of the River Niger has been under consideration by Government.

The merchants engaged in the African trade, who have hitherto competed with the whole



whole world without any assistance from Government beyond the protection of life and property afforded to Her Majesty's subjects in all parts of the earth, are now not unreasonably alarmed at the prospect of Government conferring the favour of a grant of public money on a "company (limited)" trading to all parts of the coast of Africa in competition with private traders.

The selection of this company for a Government subsidy, however small it may be, even if paid exclusively for work done on the Niger, will give it an undue importance and a fallacious credit with the public, and thus afford it an unfair advantage over private firms engaged in the same trade.

No objection has ever been made to the grant given to the late Macgregor Laird (a private individual not engaged in general trade to Africa) for opening up the Niger; but as the Niger has been effectually explored to its farthest navigable point, the Rapids of Rabbah, we consider the time has passed for any further grants from Government for the exploration of that river.

There is no slave-trade to be lessened or suppressed by the enterprise for which a grant from the public purse is now so unfairly sought, as it is a fact that no slaves have been exported from the Niger or any of its mouths for the last ten years.

We respectfully submit to your Lordship our objections to a grant to the "Company of African Merchants (Limited)," not on the ground of its being excessive, but solely on account of the unfairness of the principle involved, and fervently hope that the Government will not be induced to grant the proposed subsidy, but decide to withhold it as an impolitic and improper expenditure of the public money, injurious to the general trade on the coast of Africa.

We have, &c.

(signed) *Richard William King.*  
*Lucas Brothers.*  
*Edmund Gurger & Son.*  
*Francis Bruford.*  
*Thomas Redway.*  
*P. E. V. Clarke.*  
*John Wood.*  
*George Cole.*

To the Right Hon. Earl Russell.

The above are the signatures of the principal firms in the African trade in the City of Bristol.

(signed) *F. Henry F. Berkeley,*  
 Member for the City and County of Bristol.

Victoria Square, S.W., 11 May 1864.

#### Enclosure 4, in No. 8.

Commodore *Wilmot* to Rear-Admiral Sir *B. Walker*.

Sir,

"Rattlesnake," 9 December 1863.

THE following few remarks connected with the successful return of the "Investigator" from the Niger, in the month of November last, will perhaps afford some interest and information to their Lordships.

It seems that Lieutenant Gambier ascended in the steamer as far as Egga, about 360 miles from the entrance of the river; from thence he advanced a further distance of five miles in his boats, and entered a small river, up which he went fifty miles to a village called Wunagi, seven miles from Beda, the capital of King Massaba.

Dr. Baikie accompanied him. At Wunagi they were met by King Massaba's messengers, who informed them that horses would be sent down for their conveyance to his town.

The name of this river is not yet given in any chart, neither has it been surveyed. It will be well to call it by some name connected with this year's expedition. It is about 300 yards across in the broadest part, and from thirty to forty in its narrowest part; depth unknown, but Lieutenant Gambier thinks its average quite two fathoms.

The banks are thick with mangrove and a few trees, but the country is well cultivated, yielding Indian corn and yams. There is also the butter-tree, which is about ten feet high, and produces what is called "shear butter," which is used by the natives for food and for greasing their bodies. The leaf of this tree is larger than a laurel leaf, but of the same shape.

There is plenty of cotton, red and white, and large quantities might be grown.

At every village cotton was brought down for sale.

The country seems well populated with much of the same description of people as in other parts of Africa. All were very friendly and anxious for trade.

The soil appears to be most fertile—cotton, Indian and Guinea corn, casada, the date-palm, yams, &c., growing in great abundance. The yams are superior to those in most places on the coast, and the climate from all accounts is very healthy, a fresh breeze blowing up from the sea.

Dr. Baikie came on board at Lukoja, his own place, about 220 miles up, and was greatly rejoiced to see the "Investigator," as his supplies were exhausted, and he had given up all hopes of being relieved this year.

The missionaries were all landed at those places where they had missions, embarking again when the "Investigator" returned. All the goods, &c. belonging to those gentlemen were likewise conveyed by Lieutenant Gambier up the river.

There are partridges and guineafowl, also elephants and buffaloes, in the neighbourhood.

From the entrance of the Niger to Egga, a distance of 360 miles, the average depth in the rainy season is between four and five fathoms deep, excepting in one part of the ship-channel, which was only 10 feet; this of course makes it impossible for vessels drawing more water to proceed further than this shallow part, which is about 200 miles up.

There is another passage the other side of the island, near which this ten feet is, which has not yet been surveyed, and Lieutenant Gambier thinks it highly probable that a deeper channel may be found there.

My opinion, formed upon the information I have been able to obtain, is that it would well repay one company to take the trade of the Niger into its own hands, encouraged and assisted by a yearly subsidy from the Government, until the trade is regularly and permanently established and certain profits arise.

After this it will be, of course, for Her Majesty's Government to rescind the charter and do away with the monopoly, as they think proper.

It appears that this single ten-foot channel mentioned above is the only obstacle, excepting the river bar, to vessels of large draught of water navigating the river, after passing the bar and taking in their cargoes, 300 miles up.

This is a very serious obstacle, but it can be overcome by steamers of light draught towing up large cargo-boats or hulks of a considerable size.

The bar is another drawback to vessels drawing much water; there is only 12 feet on it in the rainy season.

A company must therefore be prepared to enter upon their work with two powerful paddlewheel steamers, drawing when loaded nine feet of water, which is only one foot less than the depth of the channel in its shallowest part, with a good supply of cargo-boats or other conveyances, as they may deem expedient, for river work.

The ship to receive the cargo must be at anchor outside the bar.

These steamers should be armed with one heavy and one light gun, also a proportion of small-arms, rockets, &c., in case of necessity. They should be very fast, well ventilated, and carry at least 100 tons of coal.

A dépôt of coal must be in the river at the best selected place, and wood can be obtained very cheap.

I should say that steamers with two rudders would be the best, which will prevent the necessity of turning.

At first some little difficulty will doubtless arise, which must be expected; but the enterprise of British merchants, backed up by the energy and skill of British seamen, will conquer every obstacle, and establish a trade in the Niger that will fully satisfy in a few years everyone that is really interested in the happiness and prosperity of Africa.

I have, &c.

(signed) *A. P. Eardley Wilmot.*

#### Enclosure 5, in No. 8.

Acting Consul *Glover* to Earl *Russell*.

Lagos, 6 November 1863.

(Received December 11.)

My Lord,

I HAVE the honour to enclose, for your Lordship's information, a copy of the report furnished me by Mr. McCoskry of his proceedings while on board Her Majesty's ship, "Investigator," which returned here from the River Niger on the 17th October.

By this vessel King Massaba has sent a horse as a present to Her Majesty. I have taken charge of it until I receive instructions from your Lordship, as I do not consider it of sufficient value to warrant the expense of sending it to England by the mail-steamer; it is a good strong ugly draught-horse, without any points of breeding, 13½ hands, and its value, when landed in England, would be about 30*l*.

I would respectfully suggest that, if not sent to England, it should be sent from this part of Africa, either to Sierra Leone or the Gambia.

I am informed that it was chosen by one of the officers of the "Investigator." There is also a letter from King Massaba to Her Majesty, but this the officer commanding Her Majesty's ship "Investigator" is forwarding by this mail to the Secretary of the Admiralty.

King Massaba has also sent me a horse in lieu of the one he sent to me last year, and which was drowned on the bar.

I have, &c.

(signed) *John H. Glover.*



(Sub-Enclosure.)

Mr. *M. Coshry* to Lieutenant-Governor *Glover*.

Sir,

Lagos, 24 October 1863.

IN accordance with your wishes, I herewith subjoin a report of the last Niger expedition in Her Majesty's ship "Investigator."

Having on the 3d ultimo taken in charge the despatches and supplies for Dr. Baikie, and received your instructions, I went on board Her Majesty's ship "Investigator," and soon after she crossed the bar and anchored close to the "Rattlesnake," Commodore Wilmot, who having supplied her with officers, men, and fuel, despatched her the same day for the Nun.

The "Rattlesnake" (in which I was offered a passage, and which I gladly accepted) followed next morning, and early on the 5th came up with the "Investigator," at anchor some eight miles from the Nun. The "Rattlesnake" towed her the remaining distance, and this day and the next were employed in putting on board the "Investigator" fuel and other supplies for the expedition.

On the morning of the 7th all was ready, and the Commodore, having given the Commander instructions with reference to the treaties he made, supplied him with drafts of the same, and furnished him with presents for the chiefs with whom he treated.

I conceived that any interference of mine in this department would be unbecoming, and therefore whatever credit is due for the negotiation of treaties belongs to the Commodore and his officers.

We crossed the bar, and anchored off the mission station at 2 P.M.; and the Commander having gone ashore, the Rev. Mr. Crowther called a meeting of some men styling themselves chiefs of Acarsa, who the same day signed a treaty, and promised to protect the English flag, which was hoisted; they claim both banks of the river. These chiefs, and the people I saw here, struck me as being the lowest type of African I have yet seen; the acquisition and consumption of rum and tobacco seem to be the chief end of their existence.

Having taken on board the Rev. S. Crowther and some other passengers, at 10 A.M. next morning we proceeded up the river; and, while within the influence of the tide, see nothing but a gloomy luxuriance of mangrove vegetation. At 3 P.M. we passed sundry islands, in the neighbourhood of which some small clearings, growing bananas and sugarcane, were seen. As we ascend, these become larger and more numerous; and as the oil, palm, and silk-cotton tree supersede the mangrove, villages became frequent, the population turning out to gaze in wonder at the steamer; canoes, said to be from Brass, are seen going up and coming down the river, the one going for and the other returning with palm-oil; they are all armed with one or more small carronades.

At 7 A.M. on the 13th, anchored at Onitsha, the land being well above the highest level of the river, and from the bank slopes upwards gently till it attains, a few miles, the height of 400 or 500 feet; the town is rather over a mile from the landing. The Church Missionary Society have here a station, which has a clean and healthy appearance. The soil is good and easily cleared. Palm-oil is already produced in considerable quantities, and cotton only requires a steady demand to increase its production to an almost unlimited extent.

The King and chiefs of this place are desirous of receiving emigrants from British settlements; they would readily grant them land to cultivate and afford them all the assistance and protection in their power.

Promising to make a long stay on our return, we were again under weigh by 3 P.M., and soon after passed the pretty village Asabi.

On the 15th, at 9.40 A.M., we passed the sandstone cliffs of Idda, waterworn and bare to the height of 80 feet, then sloping and covered with vegetation to the top. On the morning of the 16th arrived at Gbebe; here Mr. Crowther and the rest of the passengers left us, the station here being the highest point of missionary enterprise on the Niger. The King of Gbebe died about nine months ago, and the Government is now administered by three of the principal chiefs, two of whom we met at the mission-house; the other chief was ill. I learnt that here, and in all the towns about, the smallpox had been, and was now carrying off numbers of the people. This town owes allegiance to the Alle of Idda, but it is virtually independent. By 11 A.M. we were moving towards Lukoja, where we arrived at noon. Dr. Baikie soon after came on board, and looked in better health than I expected. I delivered to him his mail-bag and packages; he informed me afterwards that he received letters now which should have come last year, and others, he feared, were missing altogether.

We remained at Lukoja till the afternoon of the 19th, when, Dr. Baikie having come on board, we started for Egga at noon. Next day we stopped at Bidon, called upon the chief, and desired him to send messengers to Bidda to announce our coming to the King, and also get him to send men with us to procure canoes at Egga.

On the 21st, at 8.25 A.M., anchored in the creek close to the town of Egga, and the men sent on shore about the canoes; during the day the natives brought off over half a ton of ivory, most of which they sold. Before dark the vessel went into the stream, to avoid as much as possible the swarms of various insects which infest the river. Next morning, the canoes having come off, prepared to start; we then gave them our interpreter, servants, and luggage to convey; and the commander, the second master, Dr. Baikie, and myself preferring the ship's gig, we pushed off at 10 A.M., and about three miles higher up

crossed to the left bank, and pulled up a small river which passed the village of Wonagi, six miles of Bidda. The current was strong, and though the distance passed in the bush could not be more than 55 miles, we did not reach Wonagi till 9 P. M. on the 24th, and, being there detained till the King sent horses, we only got to Bidda at 6 P. M. on the 25th. The country between Wonagi and Bidda is all under cultivation; the shea-butter trees standing in the farms with just sufficient intervals between to avoid interference with the growth of the corn crop below. Some distance outside the gate we were met by a mounted chief and a party of horsemen, who saluted us, and led the way through the town to the King's residence, where we waited only a few minutes, and were then, without ceremony, ushered into the presence of the King. He was reclining on a mat, and had some spread for us, the custom here being to talk in this position; he said he merely wanted to see and welcome us, and, as we must be tired, he would not detain us, but would send to show us our quarters—a very sensible proceeding, of which we took immediate advantage and retired. I may here state that this day, and every day while we remained, the King sent food, both cooked and uncooked, sufficient for three times the number of our whole party, and he also sent cowries sufficient to defray all incidental daily expenses.

Next day we made an official visit, and his Majesty, without loss of time, went straight to the subject most interesting to him, and indeed to us. He said his father had seen white men at Rabbah, his brother also had seen them, and he himself had been visited several times; to both his predecessors and himself hopes had been held out of permanent trading establishments being formed in the country, but up to this time he had not seen any, and he did not know what to think. He said it was not his custom to deceive any one; the productions which he had before said his country afforded were still to be found, and his people were anxious to partake in the benefit they knew the Yoruba country derived from its trade with the white men. Dr. Baikie, acting as interpreter and spokesman, explained to him the reason why as yet no trading establishments had been made so high up as his country, and how the factories lower down the river, of which he had heard, had finally been withdrawn in consequence of the death of Mr. Macgregor Laird; he assured the King that the attention of the people in England was more than ever directed to the countries on the Niger, and that there was little doubt that next year at least one expedition, fitted out expressly for trade, would ascend the river. He seemed so far satisfied with the explanation, and, alluding to the war in the Yoruba country, he said he was in favour of the Ibadans having direct road to Lagos, and he said when opportunity offered he would assist them. He added, however, that he thought, if he kept a road open from his country to Ibadan, we should keep it open thence to Lagos. Nevertheless, he maintained that the river is the safest and easiest route, and he urged us not to neglect it. He promised full protection now as far as the confluence, and in a short time he hoped to be able to protect us efficiently as far as Idda; lower down we must manage ourselves. I learned that he can turn out 2,000 armed horsemen, and I saw reason to believe it. The walls of Bidda enclose a rectangular area of 3,000 by 2,500 yards or thereabouts; they are 7 to 8 feet high, with a ditch 10 feet wide, and as many deep; the walls are in good repair. The population may be 70,000; the town does not occupy more than two-thirds of the enclosed space.

On the 28th we gave the King the presents; he examined each article, and at the end seemed much gratified. To-day it was settled that only loads made up in native fashion could safely be sent to the Rev. Mr. Hinderer at Ibadan, and these the King could not despatch for some days to come; he promised, however, they should be sent the first safe opportunity. The two men who were to be left to take charge of them I instructed to make the best of their way from Ibadan, through Ketu and Okeodan, to Lagos.

This afternoon Commander Gambier, who had fever the day before, becoming worse, Dr. Baikie advised his immediate return to the vessel; and as the King would not hear of the whole party leaving, it was arranged that I should accompany him to the vessel next day; Dr. Baikie and Mr. Adlam remaining to receive the return presents and letter for Her Majesty and you, which the King said he would write.

On the 29th, at 7.30, we left Bidda, embarked in the boat at 10 A. M., and pulling all day with the current, arrived on board the "Investigator," at 7.45 p. m. Dr. Baikie and Mr. Adlam arrived on the afternoon of the 4th instant; the horses from the King arrived and were received on board safely on the afternoon of the 5th, and at 1 p. m. on the 6th anchored at Lukoja; observing that, although at Egga the river had fallen at least two feet, it had here risen about six inches. As the "Investigator" would go to-morrow to Gbebe to procure wood, I decided upon remaining with Dr. Baikie till the 9th, by which time he would be ready with his despatches and letters. I had thus a few days to look around me at Lukoja; and the result of my observation is, that I consider it better adapted for the residence of Europeans than any other part in the Niger. The situation is dry, and the water good; the soil is rich—corn, yams, sugarcane, and other tropical productions growing luxuriantly with very little labour. Cotton of three varieties is indigenous, and is not grown in large quantities, simply because there is no demand for it. This place possesses peculiar advantages for the establishment of trading factories, inasmuch as it is isolated, and free from the dangers and annoyances incident to living in a populous native town, ruled by a native chief. Here Dr. Baikie has already established the nucleus of a British settlement: the people under his protection are all free, many of them having been redeemed by him. They have brought a considerable tract of land under cultivation, and the place seems perfectly self-supporting; in all disputes the people refer to him, and abide by his decision. Massaba is willing to define a boundary within which



which British law should be administered; and if this was done, and the place managed with good sense and judgment, it would speedily become a most important centre of commerce and civilization. There, as elsewhere, the utmost caution would be necessary in dealing with runaway slaves seeking protection wherever possible; full value should be paid as redemption, but cases might arise in which the slave should be sent back to the master; for if the natives once see indiscriminate protection given to runaways, our position there would speedily become untenable.

On the 11th, at 5.30, we left Gbebe on our way down. The chiefs of the place would not sign the treaty, referring the commander to the Allah of Idda, at which place we anchored at 11.15 a.m.; and the commander, with the Rev. S. Crowther and others, having landed and ridden up to the town, it was found the King could not be seen for five days; so, next morning, we proceeded down the river, and arriving at Onitsha, a visit was made to the King, and he and his chiefs having signed the treaty, with the exception of the clause abolishing human sacrifices, which they said could not be done at once, the party returned on board. I observed that in this place, though both oil and cotton are abundant, the natives were ignorant of the use of lamps, using, instead, torches and lighted brands of resinous wood. At noon on the 13th we were off Abo, and landing, found the town mostly under water, pulled through the town in the gig, and the old Chief Tchukuma having sent a boy (who spoke English) to welcome us, we called upon him, but finding no part of his house dry, he came into the boat, and talked a few minutes. He and Mr. Crowther were old friends, and from the latter I learned that Tchukuma has always been a steady friend to white men, and, as far as he could, protected the factory of Mr. Laird from the rapacity of the late King Aje; having procured a guide, we proceeded to the house of the King, which was in a very similar state to the rest. The King received us on the only dry spot there was; he was grotesquely dressed in a soldier's coat of the beginning of the century, a high red comical cap, and green velvet breeches. He, however, talked sensibly; he was glad to see a ship off his town, as he feared the conduct of his predecessor, Aje, had given it a bad name. He said Aje was alone to blame for the plunder of Mr. Laird's factory, and he hoped, as he was dead, traders would again come to Abo. He assured us that during his rule both traders and missionaries would be protected. He readily signed the treaty, and having given him his presents, which he received with great satisfaction, we took leave of him, and went on board. I sent a small present to Tchukuma, and the same day we got under weigh, and, without communicating with any other place, we arrived at the mouth of the river late in the day on the 14th. On the 15th, coal and wood was taken on board, and next morning crossed the bar, and arrived at Lagos on the 17th, without losing a man. The cases of fever we did have on board were, in my opinion, caused by exposure on shore, and the want of rest at night. I suffered only from a cold. The lower part of the delta should always, if possible, be passed without stopping; higher up the river is as healthy as any other part of tropical Africa.

I am, &c.  
(signed) *Wm. M. Coskry.*

— No. 9. —

Mr. Murray to the Secretary of the Treasury.

Sir,

Foreign Office, 17 June 1864.

WITH reference to my letter of the 30th ultimo, I am directed by Earl Russell to transmit to you, to be laid before the Lords Commissioners of Her Majesty's Treasury, the accompanying copy of a letter from Messrs. Foster & Company, and certain other London merchants engaged in the African trade, protesting against the grant of a subsidy to the Company of African merchants for the purpose of enabling them to navigate the River Niger.

I am, &c.  
(signed) *James Murray.*

The Secretary to the Treasury.

Enclosure in No. 9.

My Lord,

London, 31 May 1864.

WE, the undersigned merchants of London, trading to the West Coast of Africa, have heard with surprise that an application by a "Company of African Merchants (Limited)" for a subsidy for developing the trade of the River Niger has been under consideration by Government.

The merchants engaged in the African trade, who have hitherto never looked for nor received any assistance from Government beyond the protection of life and property afforded to Her Majesty's subjects throughout the world, are now reasonably alarmed at the prospect of Government making a grant of public money to a company (limited) trading to all parts of the coast of Africa in competition with private traders.

A Government subsidy, however small the amount, even if paid exclusively for work done on the Niger, will give the recipients an undue importance and a fallacious credit with the public, and thus afford them an unfair advantage over private firms engaged in the same trade.

No objection was made to the grant given to the late Macgregor Laird (a private individual not engaged in general trade to Africa) for opening up the Niger; but as that river has been effectually explored to its farthest navigable point, we consider the time has passed for any further grants from Government merely on the score of exploration.

There is no slave trade to be lessened or suppressed by the enterprise for which a grant from the public purse is now so unfairly sought, as it is a fact that no slaves have been exported from the Niger or any of its mouths for the last ten years.

We respectfully submit to your Lordship our objections to a grant to the "Company of African Merchants (Limited)," not on the ground of its being excessive, but solely on account of the unfairness of the principle involved, and fervently hope that the Government will not be induced to grant the proposed subsidy, but decide to withhold it as an impolitic and improper expenditure of the public money, as much opposed to all the principles of free-trade as it would be injurious to the general interests of commerce on the coast of Africa.

We have, &c.  
(signed).

*Forster & Smith.*  
*Banner Brothers & Compy.*  
*W. Griffith.*  
*W. A. Parker & Co.*  
*W. W. Blobitt.*  
*Thos. Morgan & Son.*  
*Ford Fenn.*  
*F. and A. Swan & Compy.*

The Earl Russell,  
&c. &c. &c.

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RIVER NIGER.

COPY of CORRESPONDENCE on the subject of an  
Application from the COMPANY of AFRICAN  
MERCHANTS (Limited), for a Subsidy towards  
establishing Steamers on the River Niger.

(*Mr. Peel.*)

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*Ordered, by The House of Commons, to be Printed,  
23 June 1864.*

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## SIoux INDIANS.

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RETURN to an Address of the Honourable The House of Commons,  
dated 6 May 1864;—for,

“COPIES or EXTRACTS of all the CORRESPONDENCE between the Commanding Officers of the United States Troops in *Minnesota* and the Resident Governor of the Hudson's Bay Company at *Red River*, respecting a Tribe of SIOUX INDIANS who were Refugees within the British Territory :”

“Of REPORT of the Meeting of the Governor and Council of *Assiniboine*, on the 12th day of March 1864, including Copy of the MESSAGE which the Governor is reported to have received from the INDIANS :”

“And, of the CORRESPONDENCE between the Hudson's Bay Company, or any of the Colonial Authorities, and Her Majesty's Government, in reference thereto.”

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Colonial Office, }  
16 June 1864. }

FREDERIC ROGERS.

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(*Mr. Hennessy.*)

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Ordered, by The House of Commons, to be Printed,  
17 June 1864.

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# SCHEDULE.

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COPIES or EXTRACTS of all the CORRESPONDENCE between the Commanding Officers of the United States Troops in *Minnesota* and the Resident Governor of the Hudson's Bay Company at *Red River*, respecting a Tribe of SIOUX INDIANS who were Refugees within the British Territory :—Of REPORT of the Meeting of the Governor and Council of *Assiniboine*, on the 12th day of March 1864, including Copy of the MESSAGE which the Governor is reported to have received from the INDIANS :—And, of the CORRESPONDENCE between the Hudson's Bay Company, or any of the Colonial Authorities, and Her Majesty's Government, in reference thereto.

— No. 1. —

COPY of a LETTER from the Right Honourable Sir *Edmund Head*, Bart., to  
Sir *Frederic Rogers*, Bart.

Hudson's Bay House, London,  
5 February 1864.

Sir,

I HAVE the honour to enclose, for the information of his Grace the Duke of Newcastle, copies and extracts from the letters (public and private) of Governor Dallas, explanatory of the position of the Red River Settlement at the present time.

An extract from the public letter of the 11th December has been communicated to the Foreign Office, with a view to obviate any misrepresentations at Washington.

I may be permitted to observe, that this difficulty with the Sioux has not come upon the Company in consequence of any of their trading operations. These Indians are driven back upon us by the American troops, and in the absence of the Queen's name and direct authority, it will be very difficult to prevent the mixed population of the Red River from looking to the Americans for protection in case of need.

I am of opinion that Governor Dallas has acted with great propriety and judgment, and I trust, from the extract of the last letter from Mr. Mactavish, that the pressure has for the moment passed away.

But the fact that the Queen's subjects look for protection to the United States, is one of grave importance with reference to the nationality of the settlement and territory. Moreover, it appears from previous correspondence that our officers have been compelled to communicate with the General commanding the American troops on their frontier, in a manner which is hardly consistent with the character of representatives of a commercial company, holding no direct authority from the Crown. It is obvious that the constant proximity of United States troops, and the contact with a civilised people, have produced a state of things wholly inconsistent with the original powers and position of the Company.

The extract from the "Nor-Wester" paper, respecting gold in the Bow River, or South Saskatchewan, is marked by Governor Dallas as "supposed to be true." That river, as his Grace knows, is near the frontier, and a rush of diggers from Minnesota would not be improbable, if the account turns out to be correct.

I have, &c.  
(signed) *Edmund Head*, Governor.

No. 1.

The Right Hon.  
Sir Edmund Head,  
Bart., to Sir  
Frederic Rogers,  
Bart.  
5 February 1864.

No. 1. Letter of  
December 11.  
No. 2. Letter of  
December 18.  
No. 3. Extract,  
December 25.  
No. 4. Extract  
from Nor'-Wester  
paper.

## Enclosure 1, in No. 1.

Encl. 1, in No. 1.

Sir,

Fort Garry, Red River,  
11 December 1863.

HAVING written separately upon general matters, I have now to report, for the information of the Board, that the Settlement is at present in a state of great distress and alarm at the arrival of about 60 lodges, and 445 Sioux Indians, including men, women, and children, in a state of positive starvation.

This band, having been deeply implicated in the American massacres, and being hard pressed, have fallen back upon us, as their chiefs plainly told me, to live or die with us, in preference to perishing amidst the snow drifts of the prairies.

There is barely food in the settlement for the wants of its ordinary inhabitants, owing to great drought in spring and summer, which caused an absolute failure of the potato crop, and reduced the returns of wheat and barley to a minimum. The fall Buffalo hunt was a partial failure, and to the above causes are to be added the improvidence and bad farming of the people.

The arrival of about 400 American Cavalry at Pembina with their followers, has caused an extra demand for provisions for man and beast, and wheat and barley are now held at 8s. and 5s., respectively, per bushel; and flour at 25s. per 100 lbs, with every prospect of further advance, while potatoes are not to be had. Pemican and dried meat, usually worth 3½ d. and 3 d., are now held at 6 d. and 4 d. per lb.

Under these circumstances, the addition of 445 starving Indians is a tax upon our resources, which we do not well see how we can get rid of, as these Indians are absolutely starving, and must have food. They object to go away to hunt on the prairies, on the obvious plea that they have nothing but the few scanty rags with which they are covered, at the commencement of a long winter, in which the thermometer ranges from zero to 40 below (40°), and are without food or ammunition.

I am now arranging to supply these wants out of the public funds, including even ammunition, upon a solemn promise, which I have no doubt will be kept, that it is to be used only to hunt game, and I am in hopes that a move may be made to-morrow.

We shall have to provision the whole party for a period of from 10 to 15 days, and our great fear is that should they fail to procure food by hunting, they will fall back upon us again, or that other bands may visit us.

The American Government may probably hear exaggerated reports of our having supplied the Sioux with ammunition, and make a complaint against us. Our poverty, of food and weakness, and not our will, consent to an unavoidable alternative: food we cannot spare, and even were the case otherwise, the Indians have not the means to carry a sufficiency for more than a very few days.

So great is the distress, that they are offering their children for sale to the settlers—a very unprecedented occurrence, as they will generally rather see them starve than give them up to white people. Three young American children, whose parents were murdered, have been recovered, and are taken care of by some of the settlers.

There are fortunately few Chippeways or Saulteaux in the settlement at present; and though we may get over our present difficulties quietly, our isolated position in the neighbourhood of contending enemies will not, I trust, be overlooked in the negotiations now going on with Her Majesty's Government for the permanent disposition of this territory.

Thomas Fraser, Esq., Secretary,  
Hudson's Bay House, London.

I have, &c.  
(signed) A. G. Dallas.

## Enclosure 2, in No. 2.

Encl. 2, in No. 2.

Sir,

Fort Garry, Red River, 18 December 1863.

WITH reference to my letter of the 11th instant, I have now to inform the Board that our efforts to induce the Sioux Indians to take their departure have hitherto failed, and that, at an interview held with them at their camp yesterday, they absolutely refused to move, being apparently determined to quarter themselves upon us for the winter. Their number at this time amounts to 494, and not 445, as stated in my last letter; while there are in the immediate neighbourhood 13 more lodges, bringing up the total number to more than 600.

Besides providing them with food for immediate wants, we had prepared, and actually dispatched eight horse sledges, with food for the journey, leather (for shoes, leggings, &c.), ammunition, fishing tackle, hooks, and a guide to conduct them to a part of the country where they could fish and hunt for themselves; but they obstinately decline to move, saying they may as well perish here as on the plains.

I have summoned a meeting of Council, to be held on the 19th instant, more for form sake than in the hope that the Council can assist me. The fact is, we cannot conveniently afford either to quarrel with or to maintain the Sioux, and there is no middle course to adopt, short of allowing them to perish of starvation—an alternative they cannot be expected to submit to without an attempt to help themselves. The Chippeways and  
Saulteaux



Saulteaux are much alarmed at this invasion of their territory, and will not long tolerate it quietly.

Our weakness consists in the scattered position of the settlement, extending from 40 to 50 miles north and south, and including the prairie portage, a distance of 70 miles westward. Apart from this consideration, past experience in our own colonies, and the recent example afforded by the war between the Americans and the Sioux, warn us that we ought to avoid an Indian war at any sacrifice. It will, I believe, cost us less to maintain all these Sioux for 10 years than to go to war with them; but the burden is a hard one upon the settlers, and the subject may well be entitled to Imperial consideration.

A collision with the Sioux would necessitate our invoking the assistance of the American troops at Pembina; but the Board may rely upon my best efforts being used to maintain friendly relations with the former at any reasonable cost, and to keep the latter at a distance. Many of the settlers, however, are in such a state of alarm as to be deaf to reason, and are anxious at once to adopt extreme measures.

Thomas Fraser, Esq., Secretary,  
Hudson's Bay Company, London.

I have, &c.,  
(signed) A. G. Dallas.

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Enclosure 3, in No. 1.

EXTRACT of LETTER from *W. Mactavish*, Esq., to *Thomas Fraser*, Esq., Secretary; dated Fort Garry, 25 December 1863. Encl. 3, in No. 1.

"I AM happy to be able to inform you that Governor Dallas, having yesterday finally arranged with the Sioux Indians now here, that they should leave the settlement and proceed to Turtle Mountain, all those Indians, with the exception of a single tent, have early this morning raised camp, and set out for their proposed destination."

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Enclosure 4, in No. 1.

EXTRACT from the "Nor-Wester" Newspaper, dated Red River Settlement, 8 December 1863. Encl. 4, in No. 1.

THE miner who first discovered the Fraser River and Cariboo diggings, came over the mountains to this side last spring, and prospected along the Bow River. He had five men with him. They were very successful; found rich diggings, which paid them 5 *l.* each per day. Knowing that there was any amount of gold there, the head miner resolved to go down to Fort Benton and get up a party for his mines. He accordingly got one John Munro to guide him to Benton, and he there made up a party of 21 men, whom he sent back to the Bow River mines, under the same guide. These were the 22 men who helped themselves to our supplies.

This John Munro is now, and for a long time back has been, living with the Blackfeet, but he had originally come out as apprentice clerk in the service of the Hudson's Bay Company. He told me that he had himself seen the miners taking out 5 *l.* worth of gold each man per day, at the Bow River mines; and that the head miner, whom he had guided to Fort Benton, said these mines were richer than any one on the west side of the mountain, as another year would show. Bow River, let me remind you, falls into the south branch.

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— No. 2. —

COPY of a LETTER from the Right Honourable Sir *Edmund Head*, Bart., to Sir *Frederic Rogers*, Bart.

Hudson's Bay House, London,  
27 February 1864.

Sir,

I HAVE the honour to enclose, for the information of His Grace the Duke of Newcastle, an extract from a letter of Governor Dallas, dated Fort Garry, January 15th, 1864, by which, I regret to say, it appears that the Sioux Indians, driven back on the settlement by the American troops, were yet in the neighbourhood.

I also enclose a copy of a letter, written by return of post, in answer to Governor Dallas's communication.

I have, &c.  
(signed) *Edmund Head*,  
Governor.

No. 2.  
The Right Hon.  
Sir Edmund Head  
Bart., to Sir  
Frederic Rogers,  
Bart.  
27 February 1864.

## Enclosure 1, in No. 2.

Encl. 1, in No. 2. EXTRACT of LETTER from *A. G. Dallas*, Esq., to *Thomas Fraser*, Esq., dated Fort Garry, Red River, 15th January 1864.

"WE are still suffering from the presence of the Sioux, and unless they very soon take their departure voluntarily, some serious collisions may arise. I am urged on all hands to call in the assistance of the American troops from Pembina, and some of the settlers have already applied to the officer commanding, who will not, however, act without a requisition from me. This alternative I wish to postpone as long as possible."

## Enclosure 2, in No. 2.

Encl. 2, in No. 2. COPY LETTER from *Thomas Fraser*, Esq., to *A. G. Dallas*, Esq., Governor in Chief of Rupert's Land, dated Hudson's Bay House, London, 26 February 1864.

Sir,

I AM directed by the Governor and Committee, to acknowledge the receipt of your letter of the 15th ultimo, which came to hand this day.

The Governor and Committee observe with much regret, what you say with reference to the Sioux. They entirely approve of your continued refusal to apply for aid to the American troops at Pembina, and they think that nothing short of actual and imminent peril to the lives of yourself and the settlers, would justify the intervention of a foreign force on British territory.

I remain, &c.  
(signed) *Thomas Fraser*, Secretary.

## No. 3.

The Right Hon.  
Sir Edmund Head,  
Bart., to Sir  
Frederic Rogers,  
Bart.

4 March 1864.

## — No. 3. —

COPY of a LETTER from the Right Honourable Sir *Edmund Head*, Bart., to  
Sir *Frederic Rogers*, Bart.

Hudson's Bay House, London,  
4 March 1864.

Sir,

I HAVE the honour herewith to transmit a copy of the "Canadian News," of the 3d March, in which there are two passages respecting the kidnapping of two Indian chiefs, in Red River Settlement, by a person, said to be an American. I have marked the passages, and beg to forward them for the information of his Grace the Secretary of State.

I may add that, although we have received letters from Red River Settlement to the 15th January, they make no allusion to the event in question.

I have, &c.  
(signed) *Edmund Head*,  
Governor.

## Enclosure in No. 3.

Encl. in No. 3.

EXTRACTS from the "Canadian News," 3 March 1864.

## KIDNAPPING TWO INDIAN CHIEFS.

WE publish, in another column, an account taken from the "St. Paul Press," Minnesota, of the manner in which two Indian chiefs were kidnapped at Red River, and taken across the boundary line to the United States fort at Pembina. After the recent correspondence from Mr. Seward on the matter of International Law, we shall be curious to see the action he will recommend his Government to take in the present instance. The matter, as it stands, is deserving of careful consideration. The "Toronto Globe" thus summarises the events:—"In 1862 the Indian tribes came suddenly down upon the western settlements, robbed and massacred the unprotected people, burned their homesteads, and desolated the country.

Owing



Owing to the exciting incidents of the civil war, the sad doings did not excite the attention which otherwise would have been given to them. Suffice it to say, that the whole history of the long contest between the white and the red man since the first settler placed his foot upon American soil, furnishes no more horrible record of cruelty and indiscriminate slaughter. The Americans, of course, girded up their loins and exacted a bitter revenge; they would have been more or less than human had they not done so. They have, even as their fathers before them, smitten the 'red devils' hip and thigh. They have followed them through the wilderness, and shot and hung them wherever found. To those who have surrendered voluntarily they have shown mercy, but to those who would not bow down they have been most merciless. The retribution has been stern, severe, and all but complete; for, unable to cope with their white foes, a remnant of the powerful Sioux tribe crossed the boundary line and encamped in the neighbourhood of Fort Garry. Very disagreeable neighbours are they to the people there. There is not a soldier in the place, and the settlers, spread over a vast tract of country, can hardly combine for the common defence; but, however objectionable, the Sioux were there. Even though he had had the power, the Governor could not deliver them up to their enemies; such a deed would have been contrary to British practice. These men, savages though they are, had sought refuge under the British flag, and protection was therefore extended to them. Efforts were made to induce them to leave, and food and ammunition were offered if they would do so. It was reported a short time ago that they had agreed to go, but that report has not been verified. The authorities were willing to get rid of them at any price short of a sacrifice of the national honour; that was not to be thought of."

Matters were in this position when the scheme, as detailed in the correspondence of the "St. Paul Press," was laid and carried out. What can be said in justification of the treachery of Mr. M'Kenzie we are at a loss to conceive. Finding all his efforts unavailing to induce the chiefs to surrender, and being decisively told that the Indians would not place any reliance in anything the Yankees might say, as they were "all liars," he next invited them to go and see him, which they did. Relying on his oft-protested good intentions, they went to M'Kenzie's house, and when there they were plied with laudanum, chloroform, and whisky until they became senseless. They were then bound upon sleighs and carried to Pembina, and in the guard-house of that fort they were kept chained to the floor until instructions concerning them were received from head-quarters.

We hold that the Government of this country cannot pass over so flagrant an outrage on our International Laws, and although it could be wished that the creatures for whom the majesty of the law has to be vindicated were other than the miserable Indians, whose hands we know are stained with the blood of harmless American citizens, yet the fact remains that a gross violation of International Law has been committed by persons acting under the authority of the United States Government, and which cannot be overlooked.

#### SIX INDIANS KIDNAPPED FROM THE RED RIVER.

(From the "St. Paul Press," 2 February.)

From official Despatches received late last night by General Sibley from Major Hatch, at Pembina, we have the gratifying intelligence that Little Six, and another Sioux chief, son of Gray Iron, have been captured, and are now in close custody. Both of these men were leaders in the massacres of 1862, Little Six being only second to Little Crow in influence, and far surpassing him in cruelty. The capture was effected without any violation of the neutrality of Her Majesty's soil by our forces, and the event will be hailed with joy by all who are acquainted with the demon-like ferocity which was manifested by these wretches during the outbreak. Much credit is due to Major Hatch and his officers for their good management in this matter. It was reported that many more of the Sioux were on their way to Pembina to surrender themselves, they being in a state of great destitution.

Since the above was obtained, our correspondence has come to hand, giving the following account of this important capture:—

(Correspondence "St. Paul's Press.")

Pembina, D. T., 13 January 1864.

This has been a big day for Pembina. The paymaster arrived last night, and Little Six and another chief, called Medicine Bottle, were brought in as prisoners of war. They were captured by a brilliant strategic manoeuvre by an American, named J. M. M'Kenzie, formerly at Hutchison, Minnesota, and a Canadian Frenchman living in Red River settlement. The Indians were invited to the house of one of the party, and after they had taken a little too much whisky they fell asleep, and then they were tied and bound to horse sleds. Their capture was effected about nine o'clock in the evening, and they arrived here about three o'clock the next day. They were taken to the guard-house and chained to the floor, and from thence will probably be taken to the place of execution.

Little Six was twin devil with Little Crow, and the other one has confessed to having killed men, women, and children on the frontier.

There are about 40 more on their way here from the settlement to give themselves up, but it will require more strategy to get hold of the murderers. Mr. M'Kenzie thinks, however, that he will succeed in capturing the rest of them. He deserves the eternal gratitude of every Minnesotian. They were on British ground, and could not be reached by any other means.

Mr. M'Kenzie was assisted by Mr. D. L. Kinsley, or Lakeville, who also lives at Red River, in bringing them to Major Hatch. There are about 400 more Indians at the British settlement, and the probability is that our commissary will be called on to feed them before spring.

This is all the news of importance at present about Indians. They are in a state of starvation, and will die as our horses did. So mote it be.

The following letter from our ("St. Paul Press") special correspondent at Pembina gives a full and reliable account of the manner in which the Sioux chiefs were entrapped and brought over the line:—

Dear Press,

Pembina, 19 January 1864.

LET me tell you quick that two of the principal leaders of the late Sioux outrages have been captured, and were brought to Major Hatch yesterday at 12 o'clock A. M. Little Six and Medicine Bottle, the chiefs of the murderers and ravishers of our daughters, wives, and sisters, are now chained up and under the close custody of Major Hatch. Too much praise cannot be given to Hatch's battalion. They have already accomplished a great deal, considering the difficulties they have laboured under; while, too, they were prosecuting an immense labour in building up quarters that are nearly completed, notwithstanding the scarcity of materials. They will accomplish still more between now and spring.

The particulars of the taking of these two red devils I have from one of the capturers' own lips, and they are as follows:—On Christmas-day, Lieutenant Cochrane went to J. H. M'Kenzie's, formerly of Hutchison, Minnesota, with a letter of introduction from his old friend, Lieutenant Ensign, and employed him to use his best endeavours to secure the surrender of the Sioux murderers. From that time on, Mr. M'Kenzie gave himself no rest day or night, in order to accomplish the desired end. He was assisted by several persons in whom he could place confidence, but whose names he is not permitted to give.

On the 14th day of January, Captain ——— (whose name I am not at liberty to give) sent word to Mr. M'Kenzie's house to the effect that he desired to see him. On his arriving at Emerling's, the appointed place, he found some Sioux who desired to deliver themselves up as prisoners of war. They were a party who had concluded to surrender several weeks ago, but on the way to their camp they met Hypolite Campbell, who gave them whisky, and advised them not to surrender. They, however, agreed to deliver themselves up on the condition that Mr. M'Kenzie should accompany them with trains to carry their children, also a supply of provisions sufficient for the trip; to all of which the Captain agreed.

Whilst thus counselling, Campbell came in and took the liberty of addressing himself first to the Captain and next to the Sioux, but the Sioux declined any further talk until they could send over the river for Mr. Onisime Gyere to interpret for them. Gyere was soon on hand, and after the council was over, Campbell took the Captain into a room to hold a private conversation with him. What took place there Mr. M'Kenzie cannot tell. When they came out of the room the Captain informed M'Kenzie that Campbell would go with him to escort the Indians. Knowing the deceitful character of Campbell, Mr. M'Kenzie said that he wanted also Mr. Gyere, and that himself and Gyere had better be armed to the teeth, to which the Captain readily assented. The arrangement was to start the next morning.

On the next day two friendly Sioux arrived from Pembina with a letter from Major Hatch, remonstrating against receiving any more prisoners, unless the nine principal murderers of Little Six's band were also given up. The Captain suggested that M'Kenzie should take these two friendly Indians to go and see Little Six and the other Sioux chiefs, four in number, then camped about twenty-five miles west of Fort Garry, on the Assiniboine River. He told the Captain that he must have his friend Gyere to accompany him, as he was the only man that could be of any service to him. The Captain then left the matter to M'Kenzie's own judgment, and said if he wanted Gyere he would hire him to go with him, and would recompense him handsomely.

On the night of the 15th inst., M'Kenzie and his true and devoted friend, Mr. Gyere, started for the Sioux camp. The night was mild, but the road was very long, consequently they had ample opportunity of exchanging thoughts and laying plans for the accomplishment of their mission. Saturday, the 16th, they arrived at the Sioux camp. Four Sioux chiefs and about fifty of their leading men were called together at Mr. Lane's trading post to hold a council. Mr. M'Kenzie then and there used all the eloquence and ability he is possessed of in order to induce them to surrender and make peace, but without success. Some of them might have been induced to surrender had it not been for Little Six and Medicine Bottle, who were determined never to surrender. The following are the words then uttered by Little Six:—

"All the Sioux that wanted to shake hands with the Yankees, the Yankees now have; we will never make peace with them. They are all liars, and this letter (the Major's letter) you now have was written by one of them. Do you think I will believe it? And you are

a very



a very little man to talk to a great chief like me. When I want to say anything I say it, and when I do anything I do it. Nobody can stop me."

M'Kenzie then replied, "You have been acquainted with me for a long time. You know I have always been kind to you. Will you come and pay me a visit?"

To the last proposition they consented.

They (Little Six and Medicine Bottle) then came down with Messrs. M'Kenzie and Gyere. They went to Mr. M'Kenzie's house and stayed there all day Sunday, the 17th. Then Mr. M'Kenzie went to work with whisky, laudanum, and chloroform, and succeeded in getting them drunk and asleep. Aided by Mr. Gyere, he then procured the assistance of some friends in the settlement, whose names he was not allowed to mention. Little Six was seized in Mr. M'Kenzie's house, tied up hand and foot, bound upon a flat train, and off he went, with Messrs. M'Kenzie and Kingsley in charge of him, as a prisoner, while Mr. Gyere was securing Medicine Bottle, which he did in a very few minutes, aided by other persons. About two miles out Gyere overtook Mr. M'Kenzie with his other prey, and they came on together.

They left Fort Garry Sunday night, the 17th, at 11 o'clock, changed horses at Scratching River, and safely arrived at the Pembina stockades, where the two devils are now safely secured, on the ensuing day, the 18th, at 12 o'clock, making a march of over 65 miles in 13 hours.

Mr. Gyere is a French Canadian, aged 22 years, from Contecœur, C.E. Now, you judicious, generous, and liberal Government, come forward and show your hands to these two men, who have exposed their lives, and destroyed a lucrative business for the purpose of delivering up to us these two big savages.

Owing to the sagacity and good military tactics of Major Hatch and his officers, the Government has probably saved several millions of dollars, for this event is looked upon as an assurance that the rest of the red devils will soon give themselves up. The taking of these two chiefs of murderers will make them feel disheartened and discouraged. In fact, many of them would already have given themselves up had it not been for these two devils. The loss of their leaders and their state of starvation will soon bring the balance to terms.

Messrs. M'Kenzie and Gyere deserve to be generously rewarded.

OBSERVATOR.

— No. 4. —

COPY of a LETTER from *T. Frederick Elliot, Esq.*, to the Right Honourable *Sir Edmund Head, Bart.*

Sir,

Downing-street, 24 March 1864.

I AM directed by the Duke of Newcastle to acquaint you, that he has had before him your letters of the 27th ult. and 4th inst.,\* supplying further information respecting the Sioux Indians who are in the Red River Settlement, and forwarding a newspaper with an account of the kidnapping of two of the chiefs of these Indians.

I am desired to express the Duke of Newcastle's acknowledgments for the intelligence furnished to him of the progress of events in connexion with the Sioux Indians, and I am directed to state that his Grace entirely concurs in the propriety of the answer, dated the 26th of February, which has been returned by Mr. Fraser to Governor Dallas, in which he conveys the Company's approval of the Governor's refusing to apply for aid to the American troops stationed at Pembina.

I am, &c.

(signed) *T. Fredk. Elliot.*

— No. 5. —

COPY of a LETTER from the Right Honourable *Sir Edmund Head, Bart.*, to the Right Honourable *Chichester Fortescue, M.P.*

Sir,

Hudson's Bay House, 11 April 1864.

I HAVE the honour to forward for the information of the Right Honourable the Secretary of State, two extracts from a letter of Governor Dallas, addressed to the Secretary of the Hudson's Bay Company. You will be aware of the fact that the Peace River is not within the chartered territory of the Company, as it runs into Athabasca Lake.

I also enclose a copy of the "Nor'-Wester" paper, published at Red River, which contains three articles (marked A., B., C.) on the subject of the Sioux Indians, and the agitation which they have caused. The statement in Governor

No. 4.

*T. Frederick Elliot Esq.*, to the Right Hon. *Sir Edmund Head, Bart.*

24 March 1864.

\* Pages 5 & 6.

No. 5.

The Right Hon. *Sir Edmund Head, Bart.*, to the Right Hon. *Chichester Fortescue, M.P.*

11 April 1864.

Dallas's letter, to the effect that the Sioux on the Missouri had consulted him as to their dealings with the Government of the United States, is exceedingly curious.

I am, &c.  
(signed) *Edmund Head, Governor.*

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Enclosure 1, in No. 5.

Encl. 1, in No. 5. EXTRACT of a LETTER from Governor *Dallas* to *Thomas Fraser, Esq.*, Secretary, dated Fort Garry, Red River, 24 February 1864.

THE Sioux are still in the outskirts of the settlement; but, as the weather is unusually mild and open, and they have been very successful in catching jack-fish under the ice on Manitobah Lake, they will very probably soon take their departure to join the rest of their tribe on the plains. To prevent misconception, I may here state that, up to the present time, the Sioux have not been furnished by us with even one charge of ammunition, and that the food we gave them would not have kept them alive more than one week. Several of them have been starved to death, and the survivors have been eking out a wretched subsistence by begging, eating any and every kind of carrion, and by the recent catch of fish. They have carefully abstained from committing any depredations on the settlers, and, though some charges of pilfering have been brought against them, I have been able to substantiate only one case, and that of a very trifling nature. No doubt they have been a great source of annoyance and not unnatural fear to the settlers, many of whom have been pressing upon me to call in the aid of American troops; and Major Hatch, in command of the troops at Pembina, though precluded by his instructions from following the Sioux across the line, has intimated to me his readiness to accede to my invitation to do so; but I have seen no cause yet to justify me in resorting to such an extreme measure.

I am in communication with the chiefs of the Sioux on the Missouri, where they have one camp of 5,000 lodges, in addition to straggling bands. They ask my advice as to whether they ought to make peace with the Americans or not. I have recommended them to do so, or to be prepared for the Americans prosecuting a vigorous war against them next summer. These Sioux on the Missouri are in the midst of buffalo, well supplied with food and other necessities.

No complaint has been made by the Americans against the Sioux in this settlement, excepting what we read in the newspapers; and, so long as they confine their annoyance to us to begging, I conceive that it would be most impolitic in us to quarrel with them, exposed as all our plain hunters and traders are on an unprotected frontier.

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EXTRACT of LETTER from Governor *Dallas* to *Thomas Fraser, Esq.*, Secretary, dated Fort Garry, Red River, 24 February 1864.

"GOLD-DIGGERS had found their way from British Columbia to Peace River and its tributaries, where they were obtaining at the rate of six dollars to ten dollars per man per day, which, however, did not satisfy them."

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Enclosure 2, in No. 5.

Encl. 2, in No. 5.

EXTRACTS from the "Nor' Wester" of 18 February 1864.

(A.)

"NEUTRALITY."

(From the "St. Paul Press," Jan. 20.)

WE admire a neutral foe. Our admiration increases in proportion to the distance which separates us. In fact, we should like to have the distance so great that the neutral institution would never be seen or heard from.

This devout wish cannot, however, be gratified as long as Johnny Bull remains on *terra firma*. He *must* be neutral; it is his nature, and he is not to blame. He has been neutral since the 11th of April 1861, and by reading Major Hatch's Despatches, which appear elsewhere, it will be discovered that he still remains in that nondescript condition.

A band of murderers and outragers of everything which makes life dear visit Johnny in his territory, which joins the nation that has suffered so terribly from their inhuman barbarity. A demand is made upon Johnny for their rendition, under the Ashburton Treaty, but that is refused; and the next we hear is that he has given those murderers one pound of powder and a proportionate quantity of ball each, on condition that they return to the land where they committed their depredations.

How generous! how magnanimous on the part of Johnny! and, we might add, how neutral! Our foreign indebtedness is largely increased by this action on the part of the British.

In equity, we ought to return to them as much powder and ball as they have bestowed upon



upon the Sioux, and at some future day it may be convenient to make the presentation. It should be prepared with the utmost care before being presented, and for presentation should be encased in perforated metal sheaths labelled "neutral."

(B.)

WE copy on another page an article from a late number of the "St. Paul Daily Press," and if our belligerent cotemporary is as well-informed upon other matters as he appears to be on this, we congratulate his subscribers on the amount of useful information with which they must be crammed.

In another column of this paper will be found an advertisement from the "Daily Press," inviting subscribers, upon the ground that "special attention is given to the interests and development of Central British America"—we, however, doubt if the people of this Settlement will view such "special attentions" as those premised above in a very favourable light. Another ground urged on the notice of subscribers is, that as a "medium of news" it is unsurpassed by any paper in the "Nor'-West." To this assertion we give our cordial assent, especially as regards sensation paragraphs.

To be serious, however, we beg now to inform our cotemporary that no demand was ever made by our authorities, under the Ashburton or any other treaty, to deliver up the Sioux Indians; there has not been even a complaint lodged against them. They came to the Settlement as starving refugees and beggars; they received no ammunition, and not enough food to prevent some of them from dying of hunger and cold combined. In the absence of any demand for rendition or accusation against them, surely these people—the bulk of them women and children—could not be allowed to die of absolute starvation in a Christian country.

Among the sins laid at the door of Americans in their treatment of the Indian tribes we have never heard them accused of denying food, even to the worst criminals in their power. To drive the Sioux away was utterly impossible; women and children without food, clothing, or means of transport, could not, and would not, be driven by any force many miles in such a climate as this. There has been no hindrance whatever on our part, we believe, to the Americans coming and relieving us of the unwelcome guests who have been forced upon us.

Our cotemporary cannot have considered the matter when he penned the article we have quoted, and he has certainly been much misled in his statements. It is our misfortune, we fear, to have offended both parties on the score of neutrality, as we believe Little Six to be quite as dissatisfied with our conduct as our cousins across the line—and with, perhaps, better reason.

(C.)

#### PUBLIC MEETING—THE SIOUX.

A MEETING was held in the Court-room, Fort Garry, on Monday the 15th inst., for the purpose of considering a message sent to the people of this section of the settlement by those at the White Horse Plains.

François Bruneau was called to the chair. The object of the meeting having been explained, the resolutions adopted at the White Horse Plain meeting were submitted to a committee, who subsequently reported as follows:—

"Whereas a meeting of the inhabitants of Red River Settlement was called this day, in answer to a request from Mr. Pascal Breland, representing the inhabitants of White Horse Plain and Headingley parishes, we whose names are signed, having been chosen a committee for that purpose, beg leave to make the following report:—

"1. That a meeting, largely attended from different parts of the Lower and Main River Settlement, was this day held in the Court-house, Upper Fort Garry, at 4 p.m.

"2. That the communication from Mr. P. Breland having been read, numerous speakers, representing different parts of the settlement, made remarks upon it, and resolutions having been agreed to, this committee were thus chosen to embody them in a form for transmission to the White Horse Plain:

"1st. Resolved,—That we heartily sympathise with the inhabitants of the White Horse Plains in their present state of great distress, occasioned by the presence of the Sioux.

"2d. Resolved,—That we believe that to drive the Sioux from our borders would only be a temporary suspension of the difficulty—would only gain for us their open enmity, without by any means causing an effectual riddance; and it is our belief that a measure of this kind would not result in any good to ourselves, but rather, on the contrary, aggravate the evil.

"3d. Resolved,—That we strongly advise, and would urge the seizing (forcibly, if necessary) of the Sioux, and the conveying of them to some point at which the Americans can receive them; and we promise that if the resolution be adopted, we will assist and co-operate with the inhabitants of White Horse Plains in effecting this purpose.

"4th. Resolved,—That we will furnish such number of men and of sleighs as shall make up the number deficient, when the inhabitants of White Horse Plains shall have furnished all that they can, and we agree to leave the number to be determined by Mr. Breland, whom we are willing and desirous should direct and organize the necessary force.

"We will now add, for the benefit of those concerned, such information as was brought out upon the occasion of the meeting :

"1. That we need not expect any assistance from Major Hatch ; that the position of their officers is such that he cannot and will not cross to this side of the boundary line.

"2. That threats have been made that in case the Red River hunters should show themselves unfriendly to Americans, and drive the Sioux into the open country instead of into their power, that they will exert the power which they certainly possess of preventing our people from crossing the boundary line in the usual annual pursuit of buffalo.

"3. That every inducement is offered by the Americans at Pembina—promises of good treatment, of impartial trial to the Indians, and, we believe, of payment to those who bring them for their time and services, and the probable securing of the right for many years to come of free use of their buffalo hunting-grounds.

"4. That permission has been given by the authorities to Major Hatch to come and take the Sioux, should he so wish, but that his orders are so strict that he does not dare to break them by coming into our country.

"We would finally urge that this view be taken by the people of the White Horse Plains, that in delivering the Sioux to the authorities at Pembina we are using the only means of securing permanent safety from the Sioux—that we are doing which is just and right—that it is the cheapest, most effectual, and best way.

(signed) "A. G. B. Bannatyne.  
Thomas Thomas.  
Jno. Schultz.  
Alban Fidler."

No. 6.

The Right Hon.  
Sir Edmund Head,  
Bart., to the Right  
Hon. Chichester  
Fortescue, M.P.

28 April 1864.

— No. 6. —

COPY of a LETTER from the Right Honourable Sir *Edmund Head*, Bart., to  
the Right Honourable *Chichester Fortescue*, M.P.

Sir,

Hudson's Bay House, 28 April 1864.

I HAVE the honour to enclose a copy of a very important letter from Governor Dallas, at Red River, by which it appears that he has felt himself compelled to allow the American troops to cross the frontier.

The enclosures will show the nature of the case and the correspondence which passed between Governor Dallas and Major Hatch commanding the United States troops.

I also enclose an extract from a Montreal paper showing the comments made upon this affair in Canada.

The Secretary of State is already aware of the view taken by the Hudson's Bay Committee of the question to which these papers relate.

It is not for me at the present moment to express any opinion as to the discretion exercised by Governor Dallas, but I feel it my duty, without a moment's delay, to submit the papers for the consideration of the Right Honourable the Secretary of State.

I have, &c.

(signed) *Edmund Head*, Governor.

Enclosures in No. 6.

Encl. in No. 6.

Sir,

Fort Garry, Red River, 16 March 1864.

ENCLOSED I beg to transmit copy of correspondence with Major Hatch, commanding the American troops operating against the Sioux, by which the Board will see that I have given him permission to pursue the Sioux across the boundary line.

In addition to the reasons stated in my letter to Major Hatch, there is also the apprehension that the great body of the Sioux may repeat their visit, and effect a permanent settlement in our territory, if they think they can do so in safety from the Americans. The fear of their doing so has been so great that public meetings have been held at various times during the winter, and the wish expressed that I should call in the aid of American troops. This I positively declined to do, but I did not feel justified in refusing the permission requested by Major Hatch, both as it in effect affords us the protection we require against present dangers, and guards against a contingency which would be very embarrassing, viz., the permanent domiciliation of the Sioux with us.

The Sioux chiefs have at various times alluded to old promises of protection made at the close of the American war, and to the whole country having been theirs at one time; hinting also at a desire to come and remain with us. Within the last few days I received a message from the Chiefs of the main body of the Sioux on the Missouri, asking my advice as to whether



whether they ought to make peace with the Americans or not, and expressing an intention of coming to pay us a visit in spring. As the majority of the able men of the settlement are generally absent during the summer, voyaging and hunting on the plains, the appearance of even a very small party of Sioux would cause a complete panic, and I did not hesitate to advise their making peace with the Americans, knowing that this would enable them to retire to their usual haunts and pursuits in American territory. I enclose copy of a letter which I have addressed to General Sibley upon the subject.

Though I anticipate no evil consequences from any operations of American troops beyond the limits of the settlement within our territory, yet the permission granted may possibly be distasteful to the British Government, and may, of course, be revoked at any time. I would, however, recommend that this should not be done till the Sioux war shall be brought to a close, so long as no actual disturbance is caused within the settlement. Irrespective of any opinion of my own, there was danger, had I acted otherwise, that the settlers themselves would have invited the assistance of the American troops, under an impression which has taken strong hold upon them, that they are neglected by the British Government.

The band of Sioux which wintered with us is now gradually dispersing, but a few stragglers still remain, causing great alarm to the outlying settlers, whose fears induce them to give away food which they can ill spare. The appearance even of a few American soldiers would at once relieve us of a burden which was becoming intolerable.

Thomas Fraser, Esq.,  
Secretary, Hudson's Bay House, London.

I have, &c.  
(signed) A. G. Dallas.

Sir,

Fort Garry, Red River, 25 February 1864.

I BEG leave to inform you that within the last few days I have received a message from the Sioux Chiefs encamped near the Missouri, begging my advice and opinion as to whether they ought to make peace with the Americans or not, being evidently suspicious that the conciliatory overtures made to them may be intended to entrap them.

I have taken it upon me to advise the Sioux to make peace with the Americans, and enclose copy of my reply to them for your information.

Baptiste Gardupuis, the bearer of the message, assures us that there were 5,000 lodges of Sioux near the Missouri, not reckoning the camp of "Standing Buffalo" and straggling parties; and though I can hardly credit such a number, yet he persisted in his statement.

The band of Sioux which wintered on the Assiniboine are still on the outskirts of the settlement; but as they have of late been catching immense quantities of jack-fish, and the weather being unusually open and mild, I believe they intend taking their departure in a few days to join the rest of their tribe on the plains, to whom they have sent word to meet them by the way with provisions. This contradicts a prevailing idea that the two parties are in opposition. They will most likely both make common cause, and join their fortunes together.

I have, &c.  
(signed) A. G. Dallas,  
Governor in Chief of Rupert's Land.

Major General Sibley, Commanding United States Troops,  
acting against the Sioux in Minnesota.

To the Sioux Chiefs, Standing Buffalo, Mah-too-wa-ka, Red Dog, Black Moon, and Wa-na-tah, camped near the Missouri.

Fort Garry, 20 February 1864.

IN answer to your message received this day, my advice to you all is to endeavour to make peace with the Americans, who have assured me they are willing to be friends with all the Sioux who have not actually committed murder upon Americans.

If peace is not made, the Americans intend to follow and make war upon the Sioux with a large force next summer.

(signed) A. G. Dallas,  
Governor in Chief of Rupert's Land.

COPY LETTER from Major Hatch to Governor Dallas.

Sir,

Head Quarters, Independent Battalion, M.V.,  
Pembina, 4 March 1864.

I HAVE the honour to state that a party of murderers, belonging to the Sioux tribe of Indians, to avoid the just punishment for their crimes, have fled from before the Military Forces of the United States Government, and are now supposed to be temporarily located in the vicinity of "Poplar Point," on or near the Assiniboine river.

The near approach of spring, and the danger of their scattering and re-enacting in part the barbarous scenes of 1862 and 1863, urges me to make every effort in my power to secure them. I cannot, however, take any steps which may by any chance place soldiers under my command in such a position that they may appear as trespassers upon British soil.

Therefore, the locality of the 49th parallel never having been officially determined, I do not feel justified in moving in pursuit of these murderers towards the point where they are now encamped, without the consent of your Excellency.

The great desire I have to prevent the murder of innocent women and children upon our frontier induces me to trouble your Excellency with the request that permission may be granted me to pursue and capture these savages with an armed force, wherever they may be found.

His Excellency A. G. Dallas,  
Governor of Prince Rupert's Land, &c.  
Fort Garry.

I have, &c.  
(signed) E. A. C. Hatch,  
Major Commanding.

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COPY LETTER from Governor Dallas to Major Hatch.

Sir,

Fort Garry, Red River, 7 March 1864.

I HAVE the honour to acknowledge the receipt of your letter of 4th instant, delivered to me by Lieutenant Nash, stating that a party of murderers belonging to the Sioux tribe of Indians, fleeing before the military forces of the United States, are now supposed to be temporarily located in the vicinity of Poplar Point, on or near the Assiniboine River, and requesting permission to pursue and capture these savages with an armed force, wherever they may be found.

In reply I beg to state, that the Sioux Indians have been refugees in this territory much against the wishes of the inhabitants, and in the face of every discouragement on our part to their appearance at all on this side of the boundary line.

It being, I believe, of the utmost importance for the safety and well-being of the civilised inhabitants of this part of the world generally, that a powerful tribe of Indians, inhabiting the borders of an undefined and unprotected frontier of large extent, should be disabused of the belief that they can with impunity commit their depredations and murders in one territory, and take refuge in the other, in safety for the time being, ready to renew their operations when it may suit their inclinations to do so. I have no hesitation in complying with your request, stipulating only that, in the event of active operations taking place within the settlements, you will communicate with the authorities, and take such measures as will prevent bloodshed or violence in the houses or inclosures of the settlers, should any of the Sioux Indians take refuge there.

I have, &c.  
(signed) A. G. Dallas,  
Governor in Chief of Rupert's Land.

Major Hatch,  
Commanding U. S. Troops at Pembina.

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EXTRACTS from a Montreal Newspaper.

THE SIOUX.

Their whereabouts and Annoyance to the British Settlements.

Indian Invasion of British Territory.

THE Red River "Nor'-Wester" is in something of a "quandary" what to do to get rid of the Sioux invaders of that portion of Her Majesty's dominions.

The means taken by the authorities of the settlement to induce their savage visitors to depart, by giving them provisions and ammunition, have thus far failed, and fresh bands are dropping in. The "Nor'-Wester" advises the immediate organization of a home guard for protection against the intruders.

Apocryph of this, it says:—

Major Hatch has more than once offered to allow his troops to be placed at the disposal of our authorities to remove the Sioux. But the Major will not come uninvited. If we want the services of his battalion, we must ask for them: and should we do so, there will be no refusal. The Major has offered to allow his men to be commanded by our authorities while on British soil; and further, himself and his officers are willing to promise that should the services of their troops be put in requisition, they will, if needs be, bind themselves not to fire a shot, while carrying off the Sioux, unless in self-defence.

Captain A. T. Chamberlain came down here expressly to make this offer on behalf of Major Hatch; and it seems an extremely liberal one. But it has not been accepted; and hence there is all the more necessity for some military organization amongst ourselves.

Another article is as follows:—

The Sioux were, when we last heard, encamped at Lane's Post, in consequence of the severity of the weather; but whether they will move on, now that the weather has moderated, is, we think, very questionable. In the meantime, they have been living on charity and the proceeds of a little bartering in horses, mules, guns, &c., which they brought in with them.

A number



A number of Sioux and half-breed children have been traded away by them for provisions. At Headingley many children were purchased in this way, a young ox or heifer being an equivalent for a Sioux. Bishop Tache bought several children and adults, and has in all, eleven Sioux at St. Boniface. From one of these, a child who has been training at the Convent a short time, the Bishop lately received a letter in French, which reflects the highest credit on her kind teachers. Another of the Sioux now domiciled at the Convent, is believed to be about 120 years of age. She is decidedly a curiosity; and to look at her one could hardly doubt the story of her great age.

A short time since a party of 41, men, women, and children, went to Pembina, with Lieut. Gerald, to surrender themselves to the troops there, and they are now in good quarters and well fed, comforts to which they were strangers for months before. Mr. A. G. Bannatyne fitted out this party and sent them to Pembina, a service for which he has not received the slightest remuneration, though he certainly deserves thanks, and something more substantial at our hands for ridding us of so much of our burden.

Another batch of 54, 13 men, 19 women, and the balance children, left here on the 16th instant, to give themselves up at Pembina. They went with Capt. Chamberlain and Capt. Grosvenor, who procured the provisions for them, though they expected our authorities would have been so glad to be rid of them, as to furnish the supplies to Pembina.

The Americans offer support and protection to all Sioux who surrender themselves. Those who have been concerned in the massacres will, of course, be tried and punished; but the innocent will be provided for in some way or other. It would be well if our people would second the efforts of the troops by trying to induce the Sioux to surrender themselves. Any who hold out will receive no mercy; but will be hunted down the moment they cross the line. The officers are very confident that this Sioux war will be finished during the ensuing summer, and Major Hatch is concerting plans for the spring operations, when he will act in conjunction with a large cavalry force.

Since writing the above, we learn that the Sioux at the White Horse Plain have divided into two bands, Little Six and most of those concerned in the outbreak being left alone by the main body of the Indians, who say that they will not associate with the chief and his party. Notwithstanding this split in the camp, it does not seem as if the people of the Settlement were any nearer getting rid of either section. A messenger returned from the Sioux on the 17th, and he states that they refuse to surrender themselves to the soldiers. They told him they would not stir; and wanted to hear no more of those frequent messages, asking their surrender.

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"Montreal Evening Telegraph and Daily Commercial Advertiser," Wednesday,  
April 13 1864.

It will be seen from the correspondence published in another column, that Governor Dallas has given permission to the commander of the Federal forces to cross the frontier, and carry on a war of extermination against the Sioux Indians, who have sought refuge in British territory. It is hardly possible to conceive that the Governor of Red River would have assumed so great a responsibility, without instructions from the Imperial Government; yet what can we think of a Government, on the demand of a foreign power, strips itself of the highest attribute of sovereignty, abandons the hitherto sacred right of asylum, virtually hauls down the British flag in the Indian territory, and allows the armed forces of another nation to pursue and murder with its connivance, the miserable remnants of tribes which have placed themselves under the guardianship of our honour. They are called murderers, but no evidence is given that any of them were concerned in the massacres attributed to them; nor can it be forgotten that these massacres were the result of the spoliation and cruelties practised towards an inoffensive people, by the lawless settlers on the American frontier.

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#### THE SIOUX AND THE RED RIVER SETTLEMENT.

WE published the other day a statement taken from an American paper, to the effect that the Governor of the Red River Settlement had given permission to Major Hatch, the commander of the United States troops in Minnesota, to pursue the Sioux Indians across the boundary line. Yesterday we received the "Nor'-Wester," which contains the following information confirmatory of that statement:—

A meeting of the Governor and Council of Assiniboine was held on the 12th day of March, 1864.

*American troops permitted to cross the boundary line in pursuit of the Sioux.*

Governor Dallas informed the Council that his chief object in calling them together was to lay before them a copy of a correspondence with Major Hatch, by which they would observe that he had granted permission to the American troops to follow the Sioux across the boundary line. Knowing that in so doing he had acted in accordance with the repeatedly-

expressed wishes of the people, who had even proposed to invite the presence of the American troops, he had not considered it necessary to consult the Council before sending a reply to Major Hatch. But as the permission granted involved some responsibility he wished the Council to share the responsibility with him by confirming the act. The Council had no hesitation in coming to the conclusion that the Governor, in his whole dealings with the Sioux, and correspondence with the Americans, had only done what was necessary for the general welfare and safety of the Settlement, and had therefore no hesitation in confirming and approving the permission granted to Major Hatch, which they knew to be in accordance with the wishes of the people.

*A Message from the Sioux.*

The Governor further stated that he had received a message from the main body of the Sioux, on the Missouri, asking his advice as to making peace with the Americans, and hinting at a desire to visit the Settlement in spring. He had returned an answer advising the Sioux to make peace with the Americans, or to be prepared for a prosecution of the war with renewed vigour next summer.

*Correspondence with Major Hatch.*

The following is the correspondence with Major Hatch :—

LETTER from Major *Hatch* to Governor *Dallas*.

Headquarters, Independent Battalion, No. V. Pembina, D.T.,  
March 4, 1864.

His Excellency A. G. Dallas, Governor of Prince Rupert's Land, &c. &c., Fort Garry.

Sir,

I HAVE the honour to state that a party of murderers, belonging to the Sioux tribe of Indians, to avoid the just punishment of their crimes, have fled from before the military forces of the United States Government, and are now supposed to be temporarily located in the vicinity of Poplar Point, on or near the Assiniboine river.

The near approach of spring, and the danger of scattering and re-enacting in part the barbarous scenes of 1862 and '63, urges me to make every effort in my power to secure them. I cannot, however, take any steps which may, by any chance, place soldiers under my command in such a position that they may appear as trespassers on British soil.

Therefore, the locality of the forty-ninth parallel never having been officially determined, I do not feel justified in moving in pursuit of these murderers towards the point where they are now encamped, without the consent of your Excellency.

The great desire I have to prevent the murder of innocent women and children upon our frontier induces me to trouble your Excellency with the request that permission may be granted me to pursue and capture those savages, with an armed force, wherever they may be found.

I have, &c.,  
(signed) *E. A. C. Hatch*,  
Major Commanding.

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LETTER from Governor *Dallas* to Major *Hatch*.

Fort Garry, Red River,  
7 March 1864.

To Major *Hatch*, commanding U. S. troops at Pembina.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 4th instant, delivered to me by Lieutenant Nash, stating that a party of murderers, belonging to the Sioux tribe of Indians, fleeing before the military forces of the United States, are now supposed to be temporarily located in the vicinity of Poplar Point, on or near the Assiniboine River, requesting permission to pursue and capture these savages, with an armed force, wherever they may be found.

In reply, I beg to state that the Sioux Indians have been refugees in this territory, much against the wishes of the inhabitants, and in the face of every discouragement on our part, to their appearance at all on this side of the boundary line.

It being, I believe, of the utmost importance for the safety and well-being of the civilized inhabitants of this part of the world generally, that a powerful tribe of Indians, inhabiting the borders of an undefined and unprotected frontier of large extent, should be disabused of the belief that they can, with impunity, commit their depredations and murders in one territory, and take refuge in the other in safety, for the time being ready to renew their operations when it may suit their inclination to do so. I have no hesitation in complying with



with your request, stipulating only that in the event of active operations taking place within the settlements, you will communicate with the authorities, and take such measures as will prevent bloodshed or violence in the houses or inclosures of the settlers, should any of the Sioux Indians take refuge there.

I have, &c.,  
(signed) *A. G. Dallas*,  
Governor-in-Chief of Rupert's Land.

— No. 7. —

COPY of a LETTER from the Right Honourable Sir *Edmund Head*, Bart., to  
the Right Honourable *Chichester Fortescue*, M. P.

Hudson's Bay House,  
London, 5 May 1864.

Sir,

I HAVE the honour to enclose, for the information of the Secretary of State for the Colonial Department, an important extract of a letter which I have this day received from Governor Dallas, respecting the Sioux Indians, and a copy of a letter addressed by Governor Dallas to his Excellency Lord Lyons, on the same subject.

I have, &c.  
(signed) *Edmund Head*, Governor.

No. 7.  
The Right Hon.  
Sir Edmund  
Head, Bart., to the  
Right Hon.  
Chichester  
Fortescue, M.P.  
5 May 1864.

Enclosures in No. 7.

EXTRACT of a LETTER from Governor *Dallas* to Sir *Edmund Head*, Bart., dated Fort Garry, Red River, 24 March 1864. Enclosures in No. 7.

"THE American troops have not yet made a move against the Sioux, and I am in hopes that we have seen the last of the latter.

\* \* \* \* \*  
My object was to maintain friendly relations with the Sioux, and to interpose the Americans between them and us. The thermometer has ranged, during the past week, at 15° to 25° (below zero) every night, with cutting winds; and ill-provided, and badly mounted troops can do nothing under such circumstances."

COPY of a LETTER addressed by Governor *Dallas* to His Excellency Lord *Lyons*, and forwarded by him to the Governor of the Hudson's Bay Company.

Fort Garry, Red River Settlement,  
25 February 1864.

My Lord,

MY attention having been called to a correspondence which has been published in the American papers between your Lordship and the Honourable W. H. Seward, relative to the assistance said to have been rendered to the Sioux Indians, by the authorities of this place, I take the liberty of putting your Lordship in possession of the following facts for your private information, leaving you to make such use of them as you may see fit.

In the beginning of winter this Settlement was visited by a band of about 600 Sioux Indians, who arrived in a state of absolute starvation, destitute of clothing, or any of the necessaries of life. These Indians have remained with us during the winter, eking out a wretched subsistence by begging, eating any and every kind of carrion, and latterly, by an abundant supply of jack-fish, caught under the ice in a neighbouring lake. Several of them have died of starvation during the winter, and the remainder are in wretched plight. Up to the present time, they have not received from the authorities a single charge of ammunition, and not food enough to maintain the band for one week. To drive away starving women and children, destitute of clothing, in a climate with the thermometer ranging from 20° to 40° nightly below zero, and even to 52, was impossible. As they said themselves, they preferred lying down to die where they were, and that we might put their women and children under the ice. They have carefully abstained from committing any depredations on the settlers, and no crime has been charged against them to us, by the American authorities. No doubt they have been a great source of annoyance, and not unnatural fear to the settlers, who have been pressing me to call in the aid of the American troops at Pembina; and Major Hatch, their commander, though precluded by his instructions from following the Sioux across the line, has intimated to me his readiness to accede to my invitation to drive the Sioux away, but I have seen no cause yet to justify me in resorting to such an extreme measure.

So long as the Sioux confine their annoyance to us to mere begging, I conceive that it would be most impolitic in us to quarrel with them, exposed as our traders and plain hunters are on an unprotected frontier. The Sioux tribe is still very numerous, but General Pope's

reason for holding the extradition treaty inoperative is groundless, as there are about 10,000 inhabitants in this settlement, exclusive of our own Indians, Sauteaux, Chippeways, and Crees, who are all hostile to the Sioux. It might, however, be very inconvenient for us if the application\* were made, a step which has not yet been taken. There is no Deputy-Governor here, but I suppose the allusion is made to Mr. Mactavish, local Governor of Assiniboia, which comprises a radius of fifty miles round Fort Garry, my own Commission extending over the whole territory of Rupert's Land.

Some of the American papers have been amusing themselves by getting up another "Trent affair," ironically, the origin of which, I take this opportunity of explaining. The principal Sioux chief, "Little Six," and one of his followers, were enticed from their camp to the house of a settler, under false pretences; they were then induced to drink to excess, and were finally drugged with laudanum and chloroform, bound hand and foot, and conveyed in the night, in sledges, to Pembina, about seventy miles distant, and there delivered up to the American authorities, by whom it is presumed the captors were well rewarded. We have, of course, no complaint to make against the Americans, the capture having been effected by British subjects. The whole proceeding is very disgraceful, as "Little Six" was simply a refugee in our Territory, against whom no complaint had been made officially, and his capture may lead to retaliation.

I enclose a copy of our only Newspaper, the "Nor-Wester," which alludes to the affair, and gives a not unfair view of our position.

I have, &c.  
(signed) A. G. Dallas,  
Governor in Chief of Rupert's Land.

— No. 8. —

No. 8.  
The Right Hon.  
Sir Edmund  
Head, Bart., to the  
Right Hon.  
Chichester  
Fortescue, M.P.  
4 June 1864.

COPY of a LETTER from the Right Honourable Sir Edmund Head, Bart., to  
the Right Honourable Chichester Fortescue, M.P.

Sir,

Hudson's Bay House, 4 June 1864.

I HAVE the honour to enclose an extract from a letter, just received, from Governor Dallas, with reference to the condition of things on the frontier of the Hudson's Bay Territory and the United States.

I have, &c.  
(signed) Edmund Head, Governor.

Enclosure in No. 8.

Encl. in No. 8.

EXTRACT of a LETTER from Governor Dallas to Thomas Fraser, Esq., dated Fort Garry, Red River, 19 April 1864.

"A FEW days ago, I received an express from the Praire Portage, begging assistance, and intimating that twenty-two lodges of Sioux had arrived and encamped there, and that they were very threatening in their demeanour, demanding provisions and ammunition. I gave instructions that men should be engaged to watch the Indians and protect property, and I have not since heard further. This state of alarm in which we live, will no doubt continue, more or less, until the Americans settle their differences with the Sioux, or we have a local force to protect us. The Indians being utterly destitute, are in a manner compelled to fall back upon us, their great want being ammunition, without which they cannot procure food.

"The Americans have as yet taken no advantage of the leave granted to them to follow the Sioux across the boundary line, and the garrison lately stationed at Pembina, on the frontier, is ordered to retire upon Abercrombie, about one hundred and eighty miles distant, to the south. This will, doubtless, embolden the Sioux, and there being a report that several of the latter are lurking on the road, between this and Pembina, to cut off American travellers, the communication is in consequence partially interrupted."

\* Under the extradition treaty, in regard to such of the Sioux as could be proved guilty. This is referred to in General Pope's letter to Mr. Seward, the former arguing that we had no power or force to act against the Sioux; overlooking, that in the absence of official complaint, we had no justification in making use of what power we had.





## SIOUX INDIANS.

COPIES OF EXTRACTS OF CORRESPONDENCE between the Commanding Officers of the United States Troops in *Minnesota* and the Resident Governor of the Hudson's Bay Company at *Red River*, respecting a Tribe of Sioux Indians who were Refugees within the British Territory; of Reports of the Meeting of the Governor and Council of *Assiniboine*, on 12 March 1864, including Copy of the Message which the Governor is reported to have received from the INDIANS; &c.

(*Mr. Hennessy.*)

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*Ordered, by The House of Commons, to be Printed,  
17 June 1864.*

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67

TASMANIA.  
(VAN DIEMEN'S LAND.)

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RETURN to an Address of The Honourable the House of Commons,  
dated 28 April 1864;—for,

A “COPY of the REPORT of Mr. *Gould*, the Government Geologist, upon the subject of GOLD in the Colony of *Van Diemen's Land*, referred to in the last REPORT of the Governor of *Tasmania*, 1862.”

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Colonial Office, }  
May 1864. }

C. FORTESCUE.

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COPY of the REPORT of Mr. *Gould*, the Government Geologist, upon the subject of GOLD in the Colony of *Van Diemen's Land*, referred to in the last REPORT of the Governor of *Tasmania*, 1862.

Sir,

IN enclosing the accompanying Map of Macquarie Harbour, and the country round it, I must explain that it does not purpose to represent in detail their geological structure, but only to express broadly the area which is occupied by the various formations; and that the remarks which follow are of a general character, and not intended to enter into minutiae, which could only be supplied by a much longer and more detailed survey than I have been able to effect.

My conception of the general structure of that country is derived from an examination of the north shore of Macquarie Harbour, and the course of the Gordon River for 30 miles from its mouth; a short distant of the courses of the King's and the Franklin Rivers, and the line of country between the Eldon Ranges and the west coast.

Throughout this area, the upper Palæozoic and Trappean formations, so largely developed in the settled portions of the colony, are entirely absent, there being nothing intervening between rocks, which I shall show to be of Silurian age, and others of late Tertiary.

There are several marked divisions of the Silurian rocks, but their exact sequence has not been determined, since a series of anticlinal axes, coursing to the west of north and east of south, cause a repetition of the same members of the formation in parallel zones, and the existence of accompanying subordinate contortions, conjointly with the absence of sections, render their relation extremely obscure. The most prominent sub-formation consists of fossiliferous limestones, the entire thickness of which, is probably not less than 1,000 feet. It is, in some cases, slightly argillaceous and thickly bedded; but ordinarily compact and massive. It is jointed in a variety of directions, and the fissures thus produced have frequently been re-filled by calcareous spar of stalactitic origin.

Irregular fissures or veins containing calcareous spar and quartz also ramify through it. These vary in thickness from a few inches or less to several

feet, and proved, in some instances, to contain galena or sulphuret of lead. The spots where this was the case are indicated on the Map.

In the specimens obtained about four miles up the Franklin River, traces of copper were also detected.

The following are the observations which I made at the last meeting\* of the Royal Society, with regard to the fossils contained in this limestone:—"In these rocks fossils are abundant; they are only conspicuous, however, in that portion of the beds exposed to the action of the running water. It is exceedingly difficult to ascertain their presence on a fractured surface, although they may be abundantly concealed in the specimens, and the ordinary atmospheric agencies appear to simply disintegrate the rock, without causing the specimen to be exposed in relief, as is the case with many of those upon the table. Hence it follows that the ground for collecting fossils is limited to the surface of the rocks between the level of the water and about 30 feet above it,—the greatest height to which floods attain, as might be anticipated. The different beds or zones in the formation are not equally fossiliferous, nor do they contain identical species, one part being conspicuous for the abundance of corals, another of univalve shells, &c., while a third is characterised by containing abundant fragments of large chambered orthocerata, &c., &c. I shall briefly enumerate a few of the most striking, characteristic, and best preserved forms:—

|                | SP. |   |   |   |   |   |   |   |   |   |
|----------------|-----|---|---|---|---|---|---|---|---|---|
| Orthoceratites | -   | - | - | - | - | - | - | - | - | 2 |
| Lituities      | -   | - | - | - | - | - | - | - | - | 1 |
| Halysites      | -   | - | - | - | - | - | - | - | - | 1 |
| Favosites      | -   | - | - | - | - | - | - | - | - | 2 |
| Raphistoma     | -   | - | - | - | - | - | - | - | - | 1 |
| Orthis         | -   | - | - | - | - | - | - | - | - | 1 |
| Rhynchonella   | -   | - | - | - | - | - | - | - | - | 1 |
| Euomphalus     | -   | - | - | - | - | - | - | - | - | 2 |
| Murchisonia    | -   | - | - | - | - | - | - | - | - | 3 |

The collective evidence of these fossils is unmistakeable,—they are all Silurian; and some of them, especially the *Raphistoma*, and one species of *Murchisonia*, are Lower Silurian types. The lithological character, and associations of the strata, east and west (that is, across the strike) of this formation, is the only evidence of their age (no fossils having yet been discovered in any other of the group of formations comprised in the western country, except the Silurian mudstones, &c., of the Eldon River). There can, however, be little doubt that they are none of them later than Silurian, while some are evidently referable to the very earliest epochs."

These limestones appear to be identical with those at the Great Bend, and, according to some specimens brought from Point Hibbs by Mr. Bennett, with limestones existing there also. They occupy the course of the Gordon for about seven miles, and are then succeeded by sandstones and grits rising from below them, arching over an anticlinal axis, and then dipping again, so as to cause the re-commencement of the limestone, at the junction of the Gordon and Franklin Rivers, the courses of both of which it occupies for about six or seven miles. The next division of importance, is a coarse conglomerate, consisting of quartz pebbles, cemented by a siliceous matrix, which appears to be succeeded by siliceous grits, and a variety of sandstones, micaceous mudstones, purple grits, &c., streaked with quartz veins, and apparently passing down into clay slate, quartzite, and micaceous schists. The conglomerate forms the most conspicuous summits of the ranges, west of the King's River; and my impression is, that the white-topped rocky mountains running right down to the harbour, as well as the Mount Direction Range, and the range visible half way between Pyramid Island and the Frenchman's Cap will prove also to consist of it. As far as one can judge, this formation extends across in descending order, from the ford at the King's River towards the coast, the lower bed cropping in the course of the last seven miles of the King's River.

Mudstones,



Mudstones, resembling closely in lithological character those of the Eldon Valley, crop out near the mouth of the Gordon; while Head Quarter's Island affords sections of rock which I considered, upon lithological ground, to be the equivalent of those at Fingal. Steel gray and yellow clay slates, resembling those of the Mersey district, occur both in the King and the Gordon Rivers, while a gradual passage into the metamorphic rock is presented by the granular quartzites and micaceous schists, existing on the western side of the harbour, between Wellington Head and the coast.

If we regard the limestones as the highest member of the series (as I think we may), it follows that the whole tract of country, with the exception of that I shall mention hereafter, is occupied by Silurian or metamorphic formations; and that, in fact, the line of country between the Great Bend of the Gordon and the west coast, presents every member of the series from, perhaps, Upper Silurian, down to the metamorphic mica schists and quartzite,—which are represented as forming, in great part, the range of the Frenchman's Cap. It is reasonable to anticipate that all of this may be auriferous, although to what extent it is impossible to say. It is probable that some divisions of the formation may prove richer than others; and that hence the more valuable tracts will be found to lie in zones, running in accordance with the prevalent strike in the direction from  $20^{\circ}$  to  $30^{\circ}$  W. of N., and E. of S.

I may point out that, in consequence of the structure of the western country, any mineral discovery made in one part of it, would almost equally affect the whole in this manner,—that, as the outcrop of any particular set of beds which might prove to contain metal must extend in accordance with the strike more or less to the north, and would probably be repeated in passing from east of west by the series of parallel anticlinals which affect the country, a series of metalliferous bands or zones of country would thus be found to exist running along its entire length.

I feel no hesitation in stating my opinion of the importance of continuing, as uninterruptedly as the seasons will permit, the Geological Survey of this portion of the colony. Without a continuous survey of that character, vague supposition must always supersede authentic information, and the development of what might possibly prove to be the most valuable portion of the island, be left to the chance discoveries of casual investigation, in place of the more certain experience of well-directed research.

It is possible that the hopeful anticipations with regard to it may not be realized; but surely it is at least well to know what is the structure, character, and value of a district constituting a very large portion of the colony, which is at present almost as much a *terra incognita* as if it were situated at the South Pole.

The Tertiary deposits to which I have referred are principally developed on the north shore of the harbour, and for some miles up the Gordon River, forming cliffs at many points of 70 or 80 feet in height, consisting of coarse sand rock, and shales, largely impressed with leaves of existing plants, and containing occasional thin seams of lignite, which have been the origin of reports of the existence of coal there.

Raised beaches of loose quartz pebbles surmount them, and form elevated plateaus of marsh land on the southern as well as upon the northern side of the harbour.

As you are well aware of the difficulty that I experienced in exploring this country, and of the loss of time which unfavourable weather and other circumstances caused, and as, moreover, it is, I believe, your desire that I should re-enter it during the coming summer, it will be unnecessary for me to give other reasons for not entering into a more detailed description of the lithological character of the various rocks, the more especially as detailed lithological descriptions would in this instance be, to a great extent, valueless, from being imperfect and unconnected; the value of such descriptions depending essentially upon their applying to a series of rocks of which the sequence had been fully determined.

In fact, I consider myself as having taken only a preliminary glance at the country, and present this merely as the forestalment of a report which will be the result of a more detailed and comprehensive examination.

I append a list of assays of quartz from various parts of the western country, the results of which are, I think, when considered in connexion with the discovery of drift gold, sufficiently encouraging, as I shall endeavour to show.

| Date.                    |      | Locality.                                              | Weight of Quartz. | Proportion of Gold per Ton. | REMARKS.                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------|------|--------------------------------------------------------|-------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Assayed by Mr. Hodgson.  |      |                                                        |                   |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 27 Sept. 1856.           | -    | Frenchman's Cap - - - -                                | lbs. ozs. - 16    | ozs. 1-610                  | Collected by J. E. Calder, Surveyor General                                                                                                                                                                                                                                                                                                                                                                                                  |
|                          |      | Base of Mount Arrowsmith - - -                         | - 12              | 4-180                       |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                          |      | Between Frenchman's Cap and Mount Arrowsmith - - - -   | - 39              | 4-180                       |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                          |      | Vein from S. W. slope of Mount Arrowsmith - - - -      | - 15              | 8-012                       |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                          |      |                                                        |                   | grains. 134-40              |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 12 Nov.                  | -    | Quartzite, Port Davey - - -                            | 2 -               | 300-98                      | Mixed with metallic iron.                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                          |      | Micaceous Schist, Port Davey - -                       | 1 6               |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 18 June 1859.            | -    | Eastern Slope of Mount Arrowsmith -                    | 37 1              | 291-300                     | These were brought down by Mr. Tully from Western Highlands of Tasmania, during expedition in search of Gold in the neighbourhood of Frenchman's Cap, January to March 1859, sent to me from Hobart Town, and forwarded by me to Mr. Hodgson, in Melbourne the results, with the Gold produced, I forward with a Report, to the Gold Committee, June 1859. (For Mr. Tully's Report and remarks thereon, see "Hobart Town Gazette" No. 4098). |
|                          |      | Shaft under Frenchman's Cap - - -                      | 7 -               | 353-920                     |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                          |      | Grotto Reef - - - -                                    | 4 10              | 665-280                     |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                          |      | Calder's Reef - - - -                                  | 44 6              | 64-500                      |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                          |      | High Reef - - - -                                      | 23 6              | 20-180                      |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                          |      | Point Hibbs - - - -                                    | 22 2              | 71-680                      |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                          |      | Pebbles of Quartz from Macquarie Harbour - - - -       | 4 -               | ozs. 2-566                  |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| June. 1860.              | -    | Reef No. 1, in the neighbourhood of Lake Dixon - - - - | - -               | dwts. grs. 5 3              | Specimens collected by Mr. Gould in neighbourhood of Lake Dixon.                                                                                                                                                                                                                                                                                                                                                                             |
|                          |      | Reef, No. 2, ditto - - - -                             | - -               | 6 10                        |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Assayed by Mr. Birkmyre. |      |                                                        |                   |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 17 April 1858.           | No 1 | Top stratum (burnt Quartz) - - -                       | lbs. ozs. 4 -     | grains. 22 4                | Specimens collected by the Hon. J. W. M.L.C., from the neighbourhood of Mount Arrowsmith.                                                                                                                                                                                                                                                                                                                                                    |
|                          | "    | Ditto (unburnt) - - - -                                | 4 -               | 2 -                         |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                          | " 2  | Lower Stratum (burnt) - - - -                          | 4 -               | 72 -                        |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                          | " 2  | - - - -                                                | 4 -               | 2 -                         |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                          | " 3  | - - - -                                                | 4 -               | 56 -                        |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 8 May.                   | -    | Quartz containing some rust of Iron -                  | 2 -               | 22 -                        |                                                                                                                                                                                                                                                                                                                                                                                                                                              |

In remarking upon the results of the above analysis, it is my desire to point out and remove a misapprehension, which I have found to be very generally entertained, with regard to the character and value of these and similar determinations.

I am of course aware that, to the very many who appreciate them correctly, this suggestion will be unnecessary. It will not, however, be the less useful upon that account to those with whom it is otherwise; and in them, at least, may serve to produce a more accurate understanding of the principles upon which quartz mining is to be undertaken, of the uncertainties attendant on it, and of the value, either encouraging or disheartening, of statements regarding the prospect of any proposed or newly established company.

It appears hardly possible that, in these days of gold-mining, educated people should labour under the delusion (as from experience, I find some do) that the assay, however correctly made of any small sample of quartz, should furnish information as to the general richness of the reef from which that specimen had been obtained, or, still further, of the auriferous character of the district in which the reef exists.

Thus to condemn, off-hand, a reef because small samples, indiscriminately obtained, yield small results, is simply absurd although not uncommon; much more so is it therefore to condemn a district. It would be more satisfactory certainly to have found a larger per-centage. It may not contain throughout an average sufficient to render it payable; but, upon the other hand, it may: and, what is more, the evidence, so far as it goes, and to those who understand how to interpret it, is favourable to that supposition instead of adverse. Favourable to this extent;



extent: that, provided no error can have crept into the analysis, the reef is proved to be auriferous, which is the first and most important step to be determined. Now the researches of geologists and the experience of miners have proved that quartz reefs are merely mineral lodes, with nothing exceptional in their character, save this, that the matrix or gangue is present in large proportion to the useful mineral, and that the former is almost entirely quartz, the latter gold. They appear to be subject to the same laws and to be indebted to the same origin.

Thus, ordinary mineral veins, such as copper and lead lodes, are merely fissures in rocks which have been subsequently filled up with mineral matter so as to form lamelliform masses of irregular surface of ever-varying width and extent in depth, with dislocations often accompanying the main lines of fracture, and having a tendency to split and ramify in various directions.

These fractures, in any one district, are either all approximately parallel in direction, or can be classified into sets in which the general direction is parallel according as the forces which have produced them were synchronous, or in action at successive periods; and a local correspondence exists between the direction or age (for the one indicating the other, the terms in this case are almost convertible) of the lode and its mineral contents. Thus, for instance, in the mining district of Cornwall, eight distinct sets of fissures have been noted, originated at different epochs, with, in several of them, corresponding variation in general direction and contents; thus, while in one portion of the district, the right running veins (that is those coming from E.N.E. to W.S.W.) contain zinc, copper, tin, the north and south veins mostly furnish peroxide of iron and argentiferous galena.

A general parallelism of directions, viz., to E. and W., may also be observed between the lead lodes of Flinshire, between the mineral veins of Schemnitz, &c. In fact, similar instances might be adduced from the study of most of the principal European mining districts.

While the general nature of the contents of these lodes appears to be determined, to a considerable extent, by their direction, their poverty or richness is equally influenced by a variety of conditions which would at first sight appear to be less important. Variations in the kind of rock (country) traversed, in the angle at which the lode dips, in the extent to which it opens out, or is wrung up, the falling in of leaders, or tributary veins, either from the one hand or from the other, or from both. The proximity of dykes, the existence of faults, all influence more or less the richness of the lode.

It is the miner's art to study the subtle indication of such changes; and some, as for instance, the tributaries of Cornwall, depend almost for the means of bare existence upon the local skill they have acquired in recognising their approach, and appreciating their value. Characteristics such as those I have described, are more or less apparent in the quartz veins of this and neighbouring colonies.

Unity of direction, more especially, is common in many districts, and is strikingly illustrated in sheets 9, 13, 14 of the Maps of the Geological Survey of Victoria, devoted to the Castlemaine Gold Field, where some hundreds of quartz reefs are laid down, all coursing slightly to the west of the north and east of south, without a single instance of any great deviation from that direction.

Cross sections of almost any of the reefs in which extensive operations have been conducted, would show a variation in respect of dimensions, similar and equal to that presented by the more ordinary metalliferous deposits, while the capriciousness with which, in the latter, the ore is distributed among the gangue or matrix is paralleled in quartz reefs by an uncertainty of occurrence of gold, which frequently defies all calculation, although apparently the result of certain leading principles, of a similar nature to those referred to above. It is obvious, therefore, that the by no means uncommon impression of the homogeneity of auriferous quartz is entirely incorrect, and that the assay of any individual specimen from a reef affords no information as to the value of the reef generally, since another specimen taken from within a few inches of the first might, and probably would, have yielded an entirely different result.

This being understood, it also follows that (even admitting the perfect accuracy of the assays) no deductions upon the comparative value of the quartz from the

various localities cited above can be made ; since, as in order to determine practically the value of either of the reefs, it would be necessary to obtain a variety of samples from many different points in it, and pursue the method ordinarily adopted for procuring average samples of ores generally. I should, perhaps, express my meaning more clearly by stating that, while the positive evidence afforded by a rich assay is encouraging, the negative results of a poorer one is not discouraging ; this remark being understood to apply only to results of the assays of small and individual samples, since the chances are perfectly equal, that the first might have been in contact with a poorer, and the latter with a richer, quartz ; so that, had there been a slight alteration in the positions from which the respective samples were chosen, results exactly the reverse of the others might have been obtained.

It follows that the well-authenticated occurrence of even a small proportion of gold in any specimens of quartz from the Western Country is of great importance ; for, as in all reefs the ratio of the richer to the poorer quartz is small, the chances are proportionately less than any small sample selected, as those above must have been, under circumstances of difficulty, and pretty much at hap-hazard, should contain the maximum or even average yield of gold. It follows equally that too great confidence must not be reposed in the favourable result of the richer samples, which are, in fact, only samples of particular portions, and not of the entirety of the lode.

Had the assays enumerated above been few in number and made at one time, it would have been open to question whether some error might not have affected the results—an error which one can easily imagine might occasionally occur in an establishment devoted entirely to the metallurgy of gold, and in which there is the possibility of some chance intermixture of that metal taking place.

But the number of specimens procured at different times from a variety of localities, all yielding gold, ought, independently of the admitted ability of Mr. Hodgson and concurrent testimony of Mr. Birkmyre, to render such an hypothesis untenable, and forces us to look elsewhere for the explanation of the fact that, although all these samples have proved to be auriferous, and in some instances greatly so, no alluvial gold has been discovered by any of the prospecting parties east of the Frenchman's Cap. I may further remark that the discovery of drift gold in the rivers flowing westward gives these assays much more significance than they held before, and it is therefore obviously important to verify or disprove them.

A suggestion has been made by the Rev. W. B. Clarke, that possibly gold may exist in quartz in such a fine state of division as to be not readily detected by the ordinary washing process. It is, however, merely a suggestion ; and, without strong confirmation, I should feel disinclined to consider that, if gold existed at all in quartz, it would not be collected under favourable circumstances into more considerable and more conspicuous masses—preferring to suspect that the ill-success of searching parties is attributable to the difficulties of exploration, which in the Western Country I know to be enormous. This opinion being entertained conditionally, of course, on the supposition of the correctness of the assays.

I think, therefore, we may fairly assume the desirability of further investigating the Western Country ; but how, and by whom, it can be done most effectually, is a broad question for legislative consideration, on which I can only offer a few suggestions, such, in fact, as might be made by any other person who had possessed the same advantages of visiting it.

The very considerable extent to which the Gordon River is navigable, renders that one of the most important routes of access ; a small craft being able to ascend, without danger, to within a mile and a half of the junction of the Franklin River, while a boat can easily be taken considerably beyond that point. As, moreover, a good road exists *via* Hamilton to the Great Bend of the Gordon, and the line of country existing between that point and the highest point of navigation upon that river appears for the most part to be, although broken, free from scrub, it would seem desirable to connect them by means of a track, available at least for pack-horses, which would present the advantage of traversing the strike of all the formation, while by it provisions might be readily carried into any part of the country, which, upon further investigation, should appear to be the probably original site of the drift-gold collected lower down.

The



The examination of the valley of the Franklin River could be most conveniently effected by working upwards from its junction with the Gordon, which is within a few miles of a spot where a provision depôt could be permanently established.

Similarly, the drift gold already discovered in the King's River could be most effectually traced by following it up from the harbour. In the two latter instances, a necessary preliminary would be the cutting tracks up the courses of the river for the purposes of maintaining supplies. Mature consideration will be requisite to determine whether, after facilities of communication have been thus provided, the practical exploration of the country should be left entirely to private enterprise or undertaking wholly or in part by the Government. For as, even in well determined auriferous districts, the slightest discouragement is frequently sufficient to deter and send away a large proportion of prospectors, it is questionable whether men of energy, determination, and patience will be found in sufficient numbers to fairly test the value of a country presenting extraordinary difficulties; or rather, whether men possessing those valuable qualities would be willing to devote their time and capital without some more substantial return in view than is afforded by the speculative riches of an undeveloped gold-field, and this the more especially as the locality, extent, and richness of the auriferous rocks have yet to be determined, and great results, though possible, cannot be immediately anticipated, since even a superficial examination of the Western Country can hardly be effected in less than several years, upon account of the difficulties in traversing it, which are enhanced by the peculiarities of the climate.

Upon the other hand, it must be remembered that, even under the closest supervision, mere paid employées rarely work so thoroughly and energetically as those who, depending on their own resources, and determined by their own free will, are stimulated by well-founded anticipations of success. Whether the further examination of the country traversed by the Gordon River (which I should recommend to be made during the early spring) will warrant such anticipations being held out, remains to be seen. At present it would be uncandid to do so, the sum of our information being the knowledge of the existence of drift gold in small quantities in lower parts of rivers flowing from a country unexplored, but known to be in part occupied by Silurian rocks, and there being strong grounds for believing it to be entirely so. This, while sufficiently encouraging to a nation to make further investigation, is as yet insufficiently so to the individual to make me advise great sacrifices of capital or time.

I should be sorry to be misapprehended by working men, and to be the means of their leaving employment and visiting the Western Country under the impression that they are going to a ready-made gold-field; if any go at all, they must do so purely upon speculation. The gold-field has yet to be discovered; there are strong probabilities of its existence, and its locality can be approximately defined by broad limits, but its extent and richness remain yet to be determined.

The observations previously given upon the variable characters of mineral lodes, and which were made with special reference to auriferous veins, apply equally to the veins containing galena and traces of copper in the lower part of the Gordon. It is questionable whether either of those discovered could be worked remuneratively, although possible that they might improve materially on being followed in; but the indication of the metalliferous character of the formation is none the less valuable. It would, in fact, be unlikely that the richer portion of lodes should be so exposed at the surface as to be discoverable upon a hasty inspection.

As tending to the discovery of workable lodes, I think that the strongest inducement to settle should be held out by the Government, and the greatest advantages offered to those willing to do so.

A resident population, emulous of advancing at once their own interest and that of their district, constantly on the spot, and ready to avail themselves of leisure moments to explore the ranges and gullies within reach, would evidently be more likely to make discoveries than mere adventurers, who, entering the country for a season only, find a large proportion of their time necessarily occupied in acquiring a general knowledge of the country, in getting from part to part, and supplying themselves with provisions.

The inducements to settle are agricultural land and timber, both existing in sufficient quantities to support a moderate population.

Here and there on the banks of the Gordon, for 30 miles of its course, are small patches of alluvial land, mostly heavily timbered, but not more so than other lands in the Colony which I have seen successfully cleared and brought under cultivation. The same is the case on the Franklin River for at least half-a-dozen miles, and probably further. Produce in each instance can be shipped and conveyed down the river in flat-bottomed boats.

Pine, myrtle, and other ornamental woods, lightwood, and in some places gum, abound on the banks of these rivers and their tributaries.

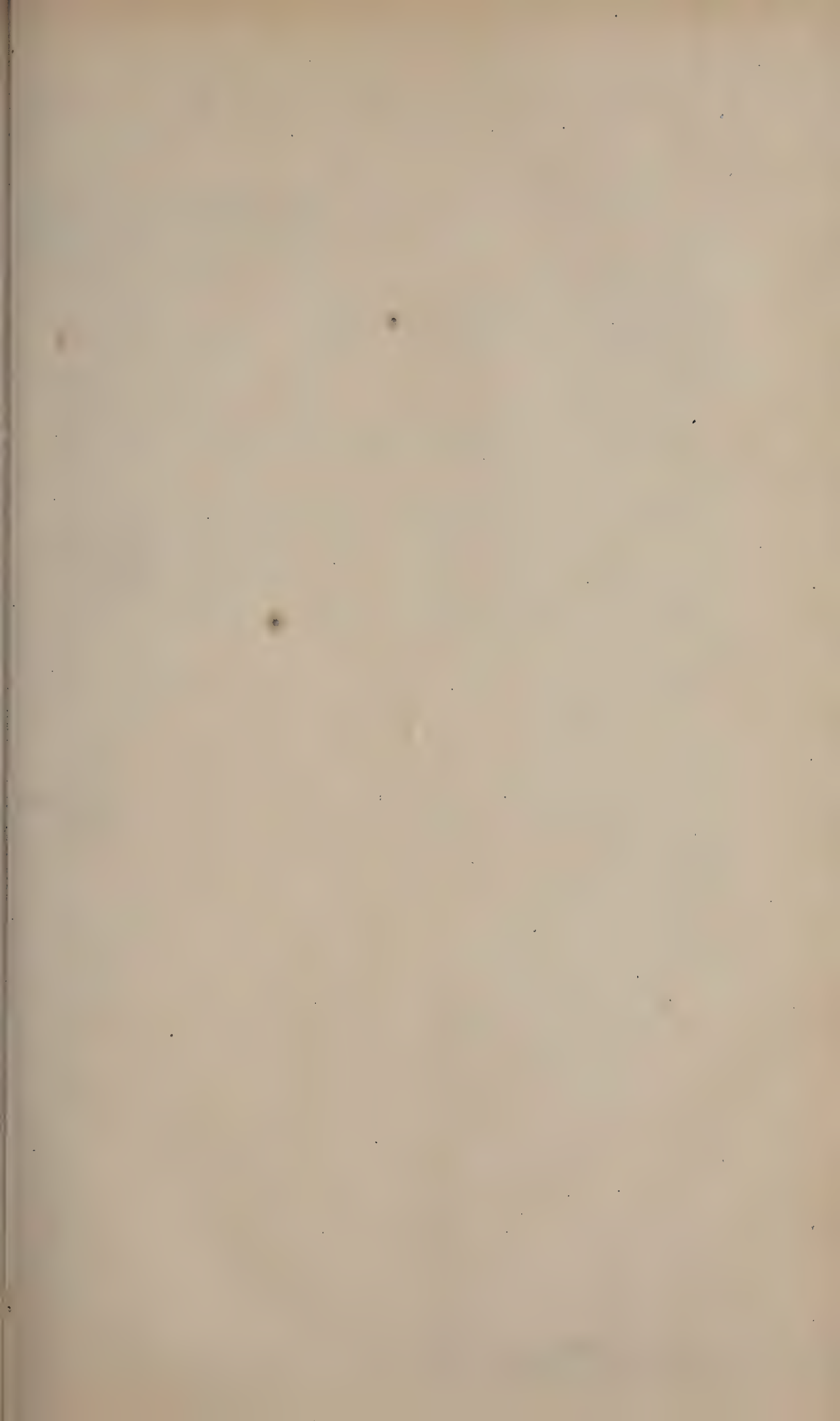
Extensive open marshes afford moderate pasture, and are probably susceptible of the same improvement which is found to follow continuous burning and stocking in other parts of the Colony.

The Honourable the Colonial Secretary.

I have, &c.  
(signed) *Charles Gould.*

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TASMANIA.  
(VAN DIEMEN'S LAND.)  

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COPY of the REPORT of Mr. *Gould*, the Government Geologist, upon the subject of GOLD in the Colony of *Van Diemen's Land*, referred to in the last REPORT of the Governor of *Tasmania*, 1862

(*Mr. Rogers.*)

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*Ordered, by The House of Commons, to be Printed,*  
27 May 1864.

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[*Price 6d.*]

331.

*Under 2 oz.*



WEST INDIA INCUMBERED ESTATES ACT (1862).

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RETURN to an Address of the Honourable The House of Commons,  
dated 6 April 1864 ;—for,

“ RETURNS of the Number, Names, and Acreage of ESTATES Sold since the 17th day of July 1862 (when the West India Incumbered Estates Act (1862) authorising Commissions or Per-centages passed), with the Dates of Sales and Amount of Purchase Monies, where the Purchase Monies have been fully administered :”

“ Of the Number, Names, and Acreage of ESTATES Sold since the 17th day of July 1862, with the Dates of Sales and Amount of Purchase Monies, where the Purchase Monies are now in course of Administration :”

“ Of the Number, Names, and Acreage of ESTATES for the Sale of which PETITIONS are now pending, with the Dates of Sales when fixed :”

“ Of the Number of PETITIONS which have been dismissed or withdrawn :”

“ And, of the Total Amount of COMMISSIONS or PER-CENTAGES and FEES Received since the 17th day of July 1862.”

(*Mr. John Abel Smith.*)

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*Ordered, by The House of Commons, to be Printed,*  
*15 April 1864.*

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1.—RETURN of the Number, Names, and Acreage of ESTATES Sold since the 17th day of July 1862 (when the West India Incumbered Estates Act, 1862, authorising Commissions or Per-Centages passed), with the Dates of Sales, and Amount of Purchase-Monies, where the Purchase-monies have been fully administered.

| NAME OF ESTATE.          | Acreage. | Colony.   | Date of Sale. | Purchase Monies. |
|--------------------------|----------|-----------|---------------|------------------|
|                          |          |           |               | £.               |
| 1. Round Hill - - - -    | 100      | Jamaica - | 10 Feb. 1863  | 100              |
| 2. Mexico - - - -        | 1,444    | ditto -   | 22 Dec. 1862  | 650              |
| 3. Sally Hall - - - -    | 290      | ditto -   | 22 Dec. „     | 200              |
| 4. Santa Cruz Park - - - | 387      | ditto -   | 22 Dec. „     | 120              |
| 5. Drax Hall - - - -     | 2,388    | ditto -   | 14 April 1863 | 4,500            |
| 6. Mocho - - - -         | 361      | ditto -   | 14 April „    | 100              |
| 7. Sunbury - - - -       | 1,130    | ditto -   | 14 April „    | 100              |
| 8. Up Park Pen - - - -   | 682      | ditto -   | 23 June „     | 1,500            |
| 9. Swanswick - - - -     | 1,162    | ditto -   | 23 June „     | 2,300            |

2.—RETURN of the Number, Names, and Acreage of ESTATES Sold since the 17th day of July 1862, with the Dates of Sales and Amount of Purchase-monies; where the Purchase-Monies are now in course of Administration.

| NAME OF ESTATE.                            | Acreage.   | Colony.       | Date of Sale. | Purchase Monies. |
|--------------------------------------------|------------|---------------|---------------|------------------|
|                                            |            |               |               | £.               |
| 1. Banowallie or Kearton's -               | 230        | St. Vincent - | 9 Feb. 1864   | 510              |
| 2. Worthy Park or Luidas -                 | 2,922      | Jamaica -     | 23 June 1863  | 8,550            |
| 3. Cocoree - - - -                         | 1,200      | ditto -       | 23 June „     |                  |
| 4. Mickleton - - - -                       | 623        | ditto -       | 23 June „     |                  |
| 5. Hillside - - - -                        | 4,336      | ditto -       | 22 Dec. 1862  | 3,100            |
| 6. Brazaletto - - - -                      | 1,080      | ditto -       | 22 Dec. „     | 800              |
| 7. Chesterfield - - - -                    | 609        | ditto -       | 22 Dec. „     | 2,300            |
| 8. Parker's, or Salt River Wharf           | 157        | ditto -       | 22 Dec. „     | 1,010            |
| 9. Garbrand Hall and Mullet Hall           | 6,500      | ditto -       | 8 Mar. 1864   | 1,210            |
| 10. Mile Gully - - - -                     | 2,033      | ditto -       | 8 Mar. „      | 2,120            |
| 11. Spitzbergen - - - -                    | 3,081      | ditto -       | 8 Mar. „      |                  |
| 12. Paradise - - - -                       | 988        | ditto -       | 8 Mar. „      |                  |
| 13. Smith's or Pipers - - -                | 949        | ditto -       | 8 Mar. „      | 310              |
| 14. Harman's Run - - - -                   | 928        | ditto -       | 8 Mar. „      | 100              |
| 15. Mumbies - - - -                        | 323        | ditto -       | 8 Mar. „      | 140              |
| 16. Blackwall - - - -                      | 10         | ditto -       | 8 Mar. „      |                  |
| 17. Park Hill ( $\frac{2}{3}$ parts) - - - | 596        | St. Vincent - | 8 Mar. „      | 1,010            |
| 18. Haughton Tower - - - -                 | 1,040      | Jamaica -     | 9 Feb. „      | 2,050            |
| 19. Park Hill ( $\frac{1}{3}$ parts) - - - | As above - | St. Vincent - | 8 Mar. „      | 510              |



3.—RETURN of the Number, Names, and Acreage of ESTATES for the Sale of which Petitions are now pending, with the Dates of Sales when fixed.

| NAME OF ESTATE.                   | Acreage. | Colony.                 | Date of Sale. |
|-----------------------------------|----------|-------------------------|---------------|
| 1. Bourkesfield and Coles Pen - - | 201      | Jamaica - - -           | Not fixed.    |
| 2. Belmont or Donovan's - - -     | 400      | Tortola, Virgin Islands | ditto.        |
| 3. Petit Bordell and Sharpe's - - | 320      | St. Vincent - - -       | ditto.        |
| 4. Mount Alexander - - -          | 300      | ditto - - -             | ditto.        |
| 5. Spur Tree - - -                | 1,700    | Jamaica - - -           | ditto.        |
| 6. Waterloo - - -                 | 610      | St. Vincent - - -       | ditto.        |
| 7. Orange Hill - - -              | 630      | ditto - - -             | ditto.        |
| 8. Farm - - -                     | 466      | Jamaica - - -           | ditto.        |
| 9. Soho - - -                     | 307      | ditto - - -             | ditto.        |
| 10. Woodstock Pen - - -           | 1,800    | ditto - - -             | ditto.        |
| 11. Friendship - - -              | 800      | ditto - - -             | 7 June - 1864 |
| 12. Sans Souci (moiety) - - -     | 297      | St. Vincent - - -       | 7 June - „    |
| 13. Mount Greenan - - -           | 366      | ditto - - -             | 7 June - „    |
| 14. Penniston's - - -             | 200      | ditto - - -             | 7 June - „    |
| 15. Jambon Vale - - -             | 300      | ditto - - -             | 7 June - „    |
| 16. Escape - - -                  | 200      | ditto - - -             | 7 June - „    |
| 17. Peruvian Vale - - -           | 332      | ditto - - -             | 7 June - „    |
| 18. Henry's Vale - - -            | 302      | ditto - - -             | 7 June - „    |
| 19. Hermitage - - -               | 240      | St. Christopher - -     | 21 June - „   |
| 20. Hampden - - -                 | 200      | Tobago - - -            | 12 July - „   |
| 21. Pigeon Point - - -            | 115      | ditto - - -             | 12 July - „   |
| 22. New Grange - - -              | 250      | ditto - - -             | 12 July - „   |
| 23. Old Grange - - -              | 250      | ditto - - -             | 12 July - „   |
| 24. Buccoo Point - - -            | 17       | ditto - - -             | 12 July - „   |
| 25. Grafton - - -                 | 300      | ditto - - -             | 12 July - „   |
| 26. Kendal Place - - -            | 300      | ditto - - -             | 12 July - „   |
| 27. Rose Bank - - -               | 300      | ditto - - -             | 12 July - „   |
| 28. Campbellton - - -             | 500      | ditto - - -             | 12 July - „   |
| 29. Hermitage - - -               | 300      | ditto - - -             | 12 July - „   |
| 30. Hyde - - -                    | 3,077    | Jamaica - - -           | Not fixed.    |

4.—RETURN of the Number of PETITIONS which have been Dismissed or Withdrawn:

None; but an application will probably be made for the withdrawal of one Petition.

5.—RETURN of the Total Amount of COMMISSIONS, or PER-CENTAGES, and FEES, received since the 17th day of July 1862.

|                                            | £.  | s.  | d.  |
|--------------------------------------------|-----|-----|-----|
| Commissions or per-centages on Sales - - - | 341 | 6   | -   |
| Fees - - -                                 | 75  | -   | -   |
|                                            | £.  | 416 | 6 - |

These Returns are made up to the 12th day of April 1864.

West India Incumbered Estates Commission,  
8, Park-street, Westminster.

Henry James Stonor,  
Chief Commissioner.

WEST INDIA  
INCUMBERED ESTATES ACT (1862).

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RETURNS of the Number, Names, and Acreage of Estates Sold since 17th July 1862 (when the West India Incumbered Estates Act, 1862, authorising Commissions and Per-centages passed), with the Dates of the Sales and Amount of Purchase Monies, where the Purchase Monies have been fully administered; of the Number, Names, and Acreage of Estates Sold since 17th July 1862, where the Purchase Monies are now in course of Administration; &c.

(*Mr. John Abel Smith.*)

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*Ordered, by The House of Commons, to be Printed,*

*15 April 1864.*

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## WEST INDIA INCUMBERED ESTATES ACTS.

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RETURN to an Address of the Honourable The House of Commons,  
dated 27 June 1864;—for,

“COPIES of CIRCULAR DESPATCH of Sir *George Cornwall Lewis*, in the Year 1860, to the Governors of the West Indian Colonies, on the subject of the WEST INDIA INCUMBERED ESTATES ACTS:”

“Of NAMES of the WEST INDIAN COLONIES into which the above Acts have been introduced, with the Dates of the Orders in Council introducing the same, and of the Addresses of the Colonial Legislatures upon which such Orders were founded:”

“Of a MEMORIAL to the Colonial Office or the Treasury, in the Year 1863, from Solicitors practising in *London*, applying for a removal of the Offices of the West India Incumbered Estates Commission to the vicinity of *Lincoln's Inn*:”

“And, of any CORRESPONDENCE between the Colonial Office and the Treasury, during the present year, on the subject of the continuance of the above Acts.”

Colonial Office, }  
11 July 1864. }

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FREDERIC ROGERS.

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(Mr. Cave.)

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*Ordered, by The House of Commons, to be Printed,*  
12 July 1864.

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## SCHEDULE.

### I.

|                                                                                                                           | PAGE |
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| The Right Honourable Sir G. C. Lewis to the Governor of the West India Colonies,<br>6 September 1860 (Circular) - - - - - | 3    |

### II.

|                                                                                                                                                                                                                                         |   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Names of the West India Colonies into which the Acts have been introduced, the dates of<br>the Orders in Council introducing them, and of the Addresses of the Colonial Legisla-<br>tures upon which such Orders were founded - - - - - | 3 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|

### III.

|                                                                                                                                                                                |   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Memorial to the Treasury from Solicitors practising in London applying for removal of the<br>Offices of the Commissioner to the vicinity of Lincoln's Inn, July 1863 - - - - - | 4 |
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### IV.

CORRESPONDENCE between the Colonial Office and the Treasury during the present Year, on  
the subject of the continuance of the Acts.

|                                                                                           |    |
|-------------------------------------------------------------------------------------------|----|
| No. 1.—Sir Frederic Rogers, Bart., to the Right Honourable F. Peel, M.P., 21st April 1864 | 5  |
| No. 2.—Sir Frederic Rogers, Bart., to G. A. Hamilton, Esq., 29th June 1864 - - -          | 9  |
| No. 3.—The Right Honourable F. Peel, M.P., to Sir Frederic Rogers, Bart., 8th July 1864   | 10 |
| No. 4.—Sir Frederic Rogers, Bart., to the Right Honourable F. Peel, M.P., 9th July 1864   | 10 |



COPIES of CIRCULAR DESPATCH of Sir *George Cornwall Lewis*, in the Year 1860, to the Governors of the West Indian Colonies, on the subject of the WEST INDIA INCUMBERED ESTATES ACTS: Of NAMES of the WEST INDIAN COLONIES into which the above Acts have been introduced, with the Dates of the Orders in Council introducing the same, and of the Addresses of the Colonial Legislatures upon which such Orders were founded: Of a MEMORIAL to the Colonial Office or the Treasury, in the Year 1863, from Solicitors practising in *London* applying for a removal of the Offices of the West India Incumbered Estates Commission to the vicinity of Lincoln's Inn: And, of any CORRESPONDENCE between the Colonial Office and the Treasury, during the present year, on the subject of the continuance of the above Acts.

— I. —

COPY of a DESPATCH from the Right Honorable Sir *G. C. Lewis* to the Governors of the West India Colonies.

Right Hon. Sir  
C. Lewis to the  
Governors of the  
West India Colo-  
nies.  
6 September 1860

(Circular.)

Sir,

Downing-street, 6 September 1860.

I HAVE to call your attention to the Incumbered Estates Acts, which were passed by the Imperial Parliament in 1854 and 1858, and I shall be glad to be apprised whether there is any likelihood of the Colony under your government availing itself of the provision of these Acts.

Her Majesty's Government attach great importance to this measure, and experience has proved its utility in the few instances in which it has been adopted. It should be borne in mind that the expense for salaries of the Commissioner and other officers in this country devolves entirely on Imperial funds, and the question will naturally arise how long Her Majesty's Government will be justified in recommending Parliament to make provision for these expenses at their present amount unless the West India Colonies take advantage more generally of the Acts.

I have, &c.  
(signed) *G. C. Lewis.*

— II. —

NAMES of the West India Colonies into which the Acts have been introduced, the Dates of the Orders in Council introducing them, and of the Addresses of the Colonial Legislatures upon which such Orders were founded.

|                | Address.        | Order in Council. |
|----------------|-----------------|-------------------|
| St. Vincent    | 15 July 1856    | 2 Feb. 1857.      |
| Tobago         | 22 Dec. 1857    | 31 July 1858.     |
| St. Kitt's     | About Dec. 1859 | 26 March 1860.    |
| Virgin Islands | 28 Dec. 1859    | 7 March 1860.     |
| Jamaica        | 4 March 1861    | 26 June 1861.     |

## — III. —

MEMORIAL to the Treasury from Solicitors practising in *London* applying for removal of the offices of the Commissioner to the vicinity of Lincoln's Inn.

Sir,

July 1863.

As solicitors having had occasion to conduct business in the West Indian Incumbered Estates Court, we venture to represent to Her Majesty's Government through you the great inconvenience arising from the situation of the Court at Westminster, where at present the judicial business is transacted, and the official auctions held.

The nature of the business over which the Court has jurisdiction embraces the official transfer of land and the marshalling of the incumbrances thereon, involving the principles of equity and conveyancing, and the district of Lincoln's Inn is fully recognized in the legal profession as the centre of all such business, as the Chancery courts sit there, and it is there that almost all equity and conveyancing counsel have their chambers.

From the records of the Court it appears that of the several London legal firms or practitioners who have hitherto conducted business in the Court, not one have or has offices further west than Lincoln's Inn Fields, whilst most have offices in and around Lincoln's Inn, and several further east, in the vicinity of the Bank of England.

Much loss of time is necessarily involved in attendances at Westminster by counsel, solicitors, and their clerks, involving additional expense and delay to the clients. So much has this inconvenience been felt, that the Chief Commissioner has frequently, on the request of the parties interested, adjourned the hearing of matters to his private chambers in the neighbourhood of Lincoln's Inn, while the officers of the Court have gone out of their way to produce and deliver documents in such last-mentioned locality, and but for their invariable efforts to facilitate business, much additional inconvenience would have been experienced.

All auctions are conducted at Westminster, where merchants and others mostly engaged in the City are obliged to attend, some having difficulty even to find the locality of the Court, while the accommodation afforded is insufficient and inconvenient, and the only means of access is up a narrow stone back staircase three storeys high, lit in part with gas. It is believed that the official auctions would be better attended if held at Lincoln's Inn, or on some occasions at one of the well known auction marts in the City.

It is, therefore, respectfully submitted and urged that the sittings of the Court should be transferred to a suitable locality in or near Lincoln's Inn, and that the official auctions should be held there, or in such place in the City as the Commissioners may in each case appoint.

We are, &c.

*Freshfields & Newman.*

*Chas. Druce & Sons.*

*Hunter, Gwatkin, & Hunter, Lincoln's Inn.*

*Whitakers & Woolbert, 12, Lincoln's Inn Fields.*

*Pownall & Co., Staple Inn.*

*Wm. Braikenridge & Sons, 16, Bartlett's-buildings.*

*Bell, Steward, & Lloyd, 49, Lincoln's Inn Fields.*

*Hy. Wm. Bull, 25, Ely-place.*

*Boys & Tweedies, Ely-place.*

*Cardale, Iliffe, & Russell, 2, Bedford-row.*

*Robert Marshall, 7, Leadenhall-street.*

*Symes & Sandilands, 33, Fenchurch-street.*

*T. K. Edwards, 3, Lawrence Pountney-hill, E.C.*

*Ashurst, Morris, & Knight.*

*Lever & Son, 15, Bedford-row.*

*Tuke & Valpy, 17, Lincoln's Inn Fields.*

*John Hawley, 8, Coleman-street, E.C.*

*Thos. F. Hill, P.W.S.*

*Stephens & Son, 30, Bedford-row, W.C.*

To the Secretary of the Treasury.



## — IV. —

CORRESPONDENCE between the COLONIAL OFFICE and the TREASURY during the present year, on the subject of the continuance of the ACTS.

## — No. 1. —

COPY of a LETTER from Sir *Frederic Rogers*, Bart., to the Right Honourable  
*F. Peel*, M.P.

No. 1.

Sir F. Rogers,  
Bart., to the Right  
Hon. F. Peel, M.P.  
21 April 1864.

Sir,

Downing-street, 21 April 1864.

I AM directed by Mr. Secretary Cardwell to transmit to you, for the consideration of the Lords Commissioners of the Treasury, the copy of a letter from Mr. Stonor upon the subject of the expiration of the West Indian Incumbered Estates Acts at the expiration of the present Session of Parliament.

I am to express Mr. Cardwell's opinion that serious inconvenience would follow unless the Act be continued for at least one year, and that it would be better that it should be continued for three years.

I am to add that Mr. Cardwell sees no objection to the proposed draft of a Bill enclosed in Mr. Stonor's letter; but that as this question appears to have been hitherto dealt with in their Lordships' Department, it would probably be more convenient that the Act should originate in the Treasury than (as suggested by Mr. Stonor) in this Department.

I am, &amp;c.

(signed) *Frederic Rogers*.

4 April 1864.

## Enclosure in No. 1.

West Indian Incumbered Estates Commission,  
8, Park-street, Westminster, S. W.,

Encl. in No. 1.

4 April 1864.

My Lord Duke,

I HAVE the honour to address this communication to your Grace, with reference to the expiration of the "West Indian Incumbered Estates Acts (1854-1858-1862)," at the end of this present Session of Parliament.

I should have felt it my duty to have communicated with you on this subject long before the present time, but for the following circumstances. Early in July last I was informed by Mr. Thring, counsel to the Home Office, that the above Acts were included in the Schedule to the Draft Expiring Laws Continuance Bill, and that the Bill was under the consideration of Mr. F. Peel, the Secretary of the Treasury. I immediately applied for an interview with Mr. Peel on the subject, and left some papers for him, and in answer I received a note from the Treasury, stating that Mr. Peel would require some time to look through the papers before seeing me. Shortly afterwards I learnt that Mr. Peel had struck the above Acts out of the Schedule to the Bill, and I was informed by a note from the Treasury that Mr. Peel intended to correspond with me on the subject, but he has not communicated with me since.

I now perceive that in the Estimates for this year (No. 7) Mr. Peel has proposed a vote of only 558*l.* for this Commission, being one-third of the previous annual vote of 1,675*l.* Whether in so doing he considers that the above Acts ought to be allowed to expire at the end of this Session, or whether he considers that a Continuance Act ought to be passed before he proposes an additional vote, I am not informed. It is evident, however, that the question of the continuance of these Acts requires the immediate attention of Government, and as the first of the above Acts was introduced by your Grace, and the second (the present Continuance Act) was introduced by Under Secretary the Earl of Carnarvon, it appears to belong to the Department of which you are the head.

It is unnecessary for me on the present occasion to go into the circumstances connected with the passing of the above Acts, and their operation as to which much detailed information (if required) may be found in a letter addressed by me to the Secretary of the Treasury, dated the 16th July 1861 (of which I transmitted a copy to your Grace), and the subsequent correspondence arising therefrom.

It appears to be only necessary for me now to lay before your Grace the present state of business in the Commission, and the prospect of future business to the best of my ability. The enclosed memorandum, showing the particulars of the estates sold since the

17th July 1862 (when the third Act authorising commissions or per-centages was passed), distinguishing the cases where the purchase-monies have been administered from those where they have not, and of the estates now remaining to be sold, together with the amount of the fees and commissions received since the 17th July 1862, contain the principal requisite information on these subjects. The only circumstances which I have to add are that I am apprised that petitions for the sale of other estates are about to be presented immediately, and that attempts are at the present time being made in Grenada, Antigua, and even Barbados, to procure the adoption of these Acts, and that it appears that whilst there has been considerable business in the Court in England there has been very little in the local courts.

As to those estates for the sale of which petitions are now pending, or may be pending at the expiration of the above Acts, it does appear to me that the parties interested are clearly entitled to such a continuance of the Acts as will enable them to derive the benefit of the expense and trouble they have incurred, especially in those cases where the estates may have been sold, and the purchase-monies remain in the hands of the Commissioners, who in the absence of legislation will have no power whatever to administer them.

Twelve months from the 1st of August next appears to be the least time in which it can be reasonably hoped that the sale of the estates and the administration of the monies in question can be effected. In the experience of the Irish Incumbered Estates Court, 18 months was the average period of proceedings for completing sales and distributing purchase-monies; and in our Court, in consequence of the necessity of advertising in and communicating with the Colonies, it must be regarded as somewhat longer. In very simple cases it is indeed much less, say nine months, whilst in complicated cases involving judicial hearings, and perhaps appeals to the Privy Council and further proceedings in the Court below, it is necessarily much more, and may exceed two years.

With regard to the larger question, whether a further continuance of these Acts beyond what may be necessary to wind up the present business would be proper, it appears to me that the information contained in this letter, and the enclosed memorandum, together with the official correspondence and other communications at the passing of the original Act and subsequently, and especially the Circular Despatch of Sir George Cornewall Lewis, dated the 6th of September 1860, will afford the means of coming to a conclusion whether the Acts ought to be so continued, considering the amount of present business and prospects of future business. On this question, also, the amount of commissions and per-centages and fees received by the Commission since the passing of the above Act, authorising the same (on the 17th July 1862), and, practically, within the last 18 months, will evidently be a very material consideration. Your Grace will observe that 410*l.*, being nearly one-fourth of the annual charge of this Commission (1,675*l.*), has been received. It is very considerably more than the amount of the commissions received, during the same period, under the "Transfer of Land Act, 1862", the annual charge of which is upwards of 5,050*l.*

If it should ultimately be determined to continue the Commission for a further term than what may be necessary to wind up present business, say for five or three years, there are three amendments or alterations which it is my duty to propose. Two require legislative assistance, and should be contained in the Continuance Act, viz.:—

1st. To include the live and dead stock on the land in the sale, at all events when subject to the same incumbrances, which is invariably desired by all parties interested, would enhance the value of both land and stock, and increase, if not double, the commissions receivable on sales. And—

2d. To give the Commissioners power to appoint a receiver, after making the conditional order, as well as after making the absolute order, which has been universally recommended by the suitors of this Court and their legal advisers, and also by Chief Justice Sharpe, of St. Vincent.

The third and remaining alteration which I have to propose, and which does not require legislative assistance, is the removal of the Court to Lincoln's Inn from its present inconvenient locality. This step was in fact sanctioned by a Treasury Minute in 1862, but was not then carried out; and a very strong memorial, signed by no less than 20 of the most eminent firms of solicitors in London, and headed by Messrs. Freshfield and Newman, the Bank solicitors, has since been transmitted to the Secretary of the Treasury on the subject. There is no doubt that solicitors have been deterred from bringing business into this Court in some cases, and have been much delayed in its performance in others, by the inconvenience of the present arrangements; and the suitors, their solicitors, and the auctioneers of the Court are also of opinion that the prices realised on sales have been thereby very unfavourably affected.

In case the Government should decide on introducing a Bill for the continuance of these Acts for an additional term beyond what may be necessary to wind up the present business, I enclose you a draft of a Bill for that purpose, and containing the legislative amendments above mentioned, for your Grace's consideration. A similar draft was among the papers left by me with Mr. Peel in July last.

I have, &c.

(signed) *Henry James Stonor.*

His Grace the Duke of Newcastle, K.G.,  
&c. &c. &c.



## WEST INDIAN INCUMBERED ESTATES COMMISSION.

## MEMORANDUM.

- 1.—THE Number, Names, and Acreage of Estates sold since 17th July 1862 (when the "West Indian Encumbered Estates Act, 1862," authorising Commissions and Fees, passed), with the Dates of Sales and Amount of Purchase Monies where the Purchase Monies have been fully Administered.

| NAME OF ESTATE.              | Acreage. | Colony.   | Date of Sale. | Purchase Monies. |
|------------------------------|----------|-----------|---------------|------------------|
|                              |          |           |               | £.               |
| 1. Round Hill - - - - -      | 100      | Jamaica - | 10 Feb. 1863  | 100              |
| 2. Mexico - - - - -          | 1,444    | - ditto - | 22 Dec. 1862  | 650              |
| 3. Sally Hall - - - - -      | 290      | - ditto - | 22 " "        | 200              |
| 4. Santa Cruz Park - - - - - | 387      | - ditto - | 22 " "        | 120              |
| 5. Drax Hall - - - - -       | 2,388    | - ditto - | 14 April 1863 | 4,500            |
| 6. Mocho - - - - -           | 361      | - ditto - | 14 " "        | 100              |
| 7. Sunbury - - - - -         | 1,180    | - ditto - | 14 " "        | 100              |
| 8. Up Park Pen - - - - -     | 682      | - ditto - | 23 June "     | 1,500            |
| 9. Swanswick - - - - -       | 1,162    | - ditto - | 23 " "        | 2,300            |

- 2.—THE Number, Names, and Acreage of Estates sold since 17th July 1862, with the Dates of Sales and Amount of Purchase Monies where the Purchase Monies are now in course of Administration.

| NAME OF ESTATE.                     | Acreage. | Colony.     | Date of Sale. | Purchase Monies. |
|-------------------------------------|----------|-------------|---------------|------------------|
|                                     |          |             |               | £.               |
| 1. Barrowallie, or Keartons - -     | 230      | St. Vincent | 9 Feb. 1864   | 510              |
| 2. Worthy Park, or Luidas - -       | 2,922    | Jamaica -   | 23 June 1863  | } 8,550          |
| 3. Cocoree - - - - -                | 1,200    | - ditto -   | 23 " "        |                  |
| 4. Mickleton - - - - -              | 623      | - ditto -   | 23 " "        | 300              |
| 5. Hillside - - - - -               | 4,336    | - ditto -   | 23 " "        | 3,100            |
| 6. Brazaletto - - - - -             | 1,080    | - ditto -   | 23 " "        | 800              |
| 7. Chesterfield - - - - -           | 609      | - ditto -   | 23 " "        | 2,300            |
| 8. Parker's, or Salt River Wharf -  | 157      | - ditto -   | 23 " "        | 1,010            |
| 9. Garbrand Hall and Mullett Hall - | 6,500    | - ditto -   | 8 Mar. 1864   | 1,210            |
| 10. Mile Gully - - - - -            | 2,033    | - ditto -   | 8 " "         | } 2,120          |
| 11. Spitzbergen - - - - -           | 3,081    | - ditto -   | 8 " "         |                  |
| 12. Paradise - - - - -              | 988      | - ditto -   | 8 " "         | 570              |
| 13. Smith's, or Piper's - - - -     | 949      | - ditto -   | 8 " "         | 310              |
| 14. Harman's Run - - - - -          | 928      | - ditto -   | 8 " "         | 100              |
| 15. Mumbies - - - - -               | 323      | - ditto -   | 8 " "         | } 140            |
| 16. Blackwall - - - - -             | 10       | - ditto -   | 8 " "         |                  |
| 17. Park Hill (two-third parts) -   | 596      | St. Vincent | 8 " "         | 1,010            |
| 18. Houghton Tower - - - - -        | 1,040    | Jamaica -   | 9 Feb. "      | 2,050            |
| 19. Park Hill (one-third part) -    | as above | St. Vincent | 8 Mar. "      | 510              |

3.—THE Number, Names, and Acreage of Estates for the Sale of which Petitions are now pending, with the Dates of Sales when fixed.

| NAME OF ESTATE.                  | Acreage. | Colony.                   | Date of Sale. |
|----------------------------------|----------|---------------------------|---------------|
| 1. Bourkesfield and Cole's Pen - | 201      | Jamaica - - -             | Not fixed.    |
| 2. Belmont, or Donovan's - -     | 400      | Tortola, Virgin Islands - | ditto.        |
| 3. Petit Bordell and Sharpes -   | 320      | St. Vincent - - -         | ditto.        |
| 4. Mount Alexander - - -         | 300      | - ditto - - -             | ditto.        |
| 5. Spur Tree - - - - -           | 1,700    | Jamaica - - -             | ditto.        |
| 6. Waterloo - - - - -            | 610      | St. Vincent - - -         | ditto.        |
| 7. Orange Hill - - - - -         | 630      | - ditto - - -             | ditto.        |
| 8. Farm - - - - -                | 466      | Jamaica - - -             | ditto.        |
| 9. Soho - - - - -                | 307      | - ditto - - -             | ditto.        |
| 0. Woodstock Pen - - - - -       | 1,800    | - ditto - - -             | ditto.        |
| 1. Friendship - - - - -          | 800      | - ditto - - -             | 7 June 1864.  |
| 12. Sans Souci (moiety) - - -    | 297      | St. Vincent - - -         | 7 " "         |
| 13. Mount Greenan - - - - -      | 366      | - ditto - - -             | 7 " "         |
| 14. Pennistons - - - - -         | 200      | - ditto - - -             | 7 " "         |
| 15. Jambou Vale - - - - -        | 300      | - ditto - - -             | 7 " "         |
| 16. Escape - - - - -             | 200      | - ditto - - -             | 7 " "         |
| 17. Peruvian Vale - - - - -      | 332      | - ditto - - -             | 7 " "         |
| 18. Henry's Vale - - - - -       | 302      | - ditto - - -             | 7 " "         |
| 19. Hermitage - - - - -          | 240      | St. Christopher - -       | 21 " "        |
| 20. Hampden - - - - -            | 200      | Tobago - - -              | 12 July "     |
| 21. Pigeon Point - - - - -       | 115      | - ditto - - -             | 12 " "        |
| 22. New Grange - - - - -         | 259      | - ditto - - -             | 12 " "        |
| 23. Old Grange - - - - -         | 250      | - ditto - - -             | 12 " "        |
| 24. Buccoo Point - - - - -       | 17       | - ditto - - -             | 12 " "        |
| 25. Grafton - - - - -            | 300      | - ditto - - -             | 12 " "        |
| 26. Kendal Place - - - - -       | 300      | - ditto - - -             | 12 " "        |
| 27. Rose Bank - - - - -          | 300      | - ditto - - -             | 12 " "        |
| 28. Campbellton - - - - -        | 500      | - ditto - - -             | 12 " "        |
| 29. Hermitage - - - - -          | 300      | - ditto - - -             | 12 " "        |

4.—THE Total Amount of Commissions and Fees received since the passing of the above Act.

|                                | £.         | s.       | d.       |
|--------------------------------|------------|----------|----------|
| Commissions on Sales - - - - - | 341        | 6        | -        |
| Fees - - - - -                 | 69         | -        | -        |
| <b>TOTAL - - - - £.</b>        | <b>410</b> | <b>6</b> | <b>-</b> |

West Indian Incumbered Estates Commission,  
8 Park-street, Westminster,  
4 April 1864.

DRAFT of a Bill intituled "An Act to continue and amend the West Indian Incumbered Estates Acts, 1854-1858-1862."

WHEREAS it is expedient that the "West Indian Incumbered Estates Acts, 1854-1858-1862" should be continued and amended: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may for all purposes be cited as the "West Indian Incumbered Estates Act, 1864."

Definition of principal Act, &c.

2. The "West Indian Incumbered Estates Act, 1854," hereinafter called the Principal Act, the "West Indian Incumbered Estates Act, 1858," hereinafter called the First Amendment Act, and the "West Indian Incumbered Estates Act, 1862," hereinafter called the Second Amendment Act, and this Act shall, so far as is consistent with the context and objects of such Acts, be construed as one Act; and the Principal Act, the First Amendment Act, the Second Amendment Act, and this Act may for all purposes be cited as "The West Indian Incumbered Estates Acts, 1854-1858-1862-1864."

3. Where



3. Where Her Majesty, by Order in Council, has directed or shall direct the Principal Act, or the Principal Act and the First Amendment Act, or the Principal Act and the First and Second Amendment Acts to come into operation in any of the colonies mentioned in the Schedule to the Principal Act, or where any of such colonies has presented or shall present an Address to Her Majesty, praying Her Majesty to issue such Order; then, and in every such case, such Order and such Address respectively shall apply and be construed to apply as well to this Act as to the Principal Act, or as to the Principal Act and the First Amendment Act, or as to the Principal Act and the First and Second Amendment Acts (as the case may be).

Provision as to Acts coming into operation.

4. The offices of the Commissioners, and all powers, rights, and privileges pertaining thereto shall continue and be in force for a period of \_\_\_\_\_ years next after the day of the passing of this Act, and from thenceforth until the end of the then next Session of Parliament.

Continuance of office and powers of Commissioners:

5. Where any land shall be sold under these Acts the Commissioners shall have power to include in such sale all or any horses, mules, cattle, live or dead stock, plant, carts, carriages, implements, duplicate and other unfixed machinery, utensils, and other chattels and effects used or employed in or about the cultivation of such land or any part thereof, and which may be subject to any incumbrance affecting such land or any part thereof, and all or any other horses, mules, cattle, live or dead stock, plant, carts, carriages, implements, duplicate and other unfixed machinery, utensils, and other chattels and effects used or employed in or about the cultivation of such land, and the owner or part owner or any mortgagee of which shall apply for or consent to such sale and to apply the monies arising from the sale of such chattels and effects in the same manner in all respects as if such chattels and effects had been land sold under these Acts or otherwise, according to the rights and interests of the parties entitled thereto, and such moneys shall be subject to the payment of the same commissions or per-centages and fees as they would have been subject to if they had arisen from land sold under these Acts.

Power to include stock in sales.

6. The Commissioners shall have the same powers of appointing a receiver or receivers of any lands for sale of which a conditional order has been made by them under these Acts, and likewise of the horses, mules, cattle, live or dead stock, plant, carts, carriages, implements, duplicate and other unfixed machinery, utensils, and other chattels and effects used or employed in or about the cultivation of such land or any part thereof which may be subject to any incumbrance affecting such land or any part thereof, and all or any other horses, mules, cattle, live or dead stock, plant, carriages, implements, duplicate and other unfixed machinery, utensils, and other chattels and effects used or employed in or about the cultivation of such land, and the owner or part owner or any mortgagee of which shall apply for or consent to the appointment of such receiver or receivers as they have under the "West Indian Incumbered Estates Act, 1862," over any land for the sale of which an absolute order has been made by them.

Power to appoint receivers of land and stock after conditional order for sale.

— No. 2. —

COPY of a LETTER from Sir *Frederic Rogers*, Bart., to *G. A. Hamilton*, Esq.

No. 2.  
Sir F. Rogers,  
Bart., to G. A.  
Hamilton, Esq.  
29 June 1864.

Sir,

Downing-street, 29 June 1864.

I AM directed by Mr. Secretary Cardwell to request that you will call the attention of the Lords of the Treasury to my letter of the 21st April on the subject of the expiration of the West India Incumbered Estates Acts at the expiration of the present Session of Parliament.

Mr. Cardwell understands that it is the intention of their Lordships to submit to Parliament the continuation of these Acts for one year.

It is, however, further urged upon Mr. Cardwell that serious practical inconvenience is ensuing from the absence in the existing Acts of provisions to the effect of those which are contained in the fifth and sixth clauses of the Draft Bill which was communicated to you for their Lordships' consideration, in my letter of the 21st April.

He would, therefore, propose, with their Lordships' concurrence, to introduce into Parliament that Bill, substituting only the words "one year" for the word "five years"; and, as the Session of Parliament is now far advanced, he would request to be favoured with an early intimation of their Lordships' opinion upon this point.

I have, &c.  
(signed) *Frederic Rogers*.

## — No. 3. —

No. 3.  
Right Hon. F.  
Peel, M.P., to Sir  
F. Rogers, Bart.  
8 July 1864.

COPY of a LETTER from the Right Honourable *F. Peel*, M.P., to  
*Sir F. Rogers*, Bart.

Sir,

Treasury Chambers, 8 July 1864.

WITH reference to your letter of 29th ultimo, I am commanded by the Lords Commissioners of Her Majesty's Treasury to request you to inform Mr. Secretary Cardwell that it is their Lordships' intention to provide, in the expiring Laws Continuance Bill, for the continuance for one year, namely, till August 2d 1865, of the offices of the West India Incumbered Estates Commissioners, and all the powers pertaining thereto.

Their Lordships have no objection to the introduction by Mr. Secretary Cardwell of a Bill to give the Commissioners power to include stock in sales, and to appoint receivers of land and stock after a conditional order of sale, framing the Bill in the terms of the fifth and sixth clauses of the Draft Bill which was communicated for their Lordships' consideration in your letter of 21st April last.

I am, &c.  
(signed) *F. Peel*.

## — No. 4. —

No. 4.  
Sir F. Rogers,  
Bart., to the  
Right Hon. F.  
Peel, M.P.  
9 July 1864.

COPY of a LETTER from Sir *Frederic Rogers*, Bart., to the Right Honourable  
*F. Peel*, M.P.

Sir,

Downing-street, 9 July 1864.

WITH reference to your letter of the 8th instant, I am directed by Mr. Secretary Cardwell to enclose a copy of a letter received from Mr. Stonor, on the subject of the necessary legislation for the continuance of the West Indies Incumbered Estates' Office.

I am also desired to enclose a copy of a Bill which Mr. Cardwell proposes to introduce into Parliament, and which, in conjunction with the proposed continuing Act, will apparently answer the purposes referred to by Mr. Stonor.

I am, &c.  
(signed) *Frederic Rogers*.

## Enclosure 1, in No. 4.

Encl. 1, in No. 4.

Court of the Commissioners for the Sale of Incumbered Estates in the  
West Indies.

Sir,

7 July 1858.

UNDERSTANDING that Mr. F. Peel has not yet replied to your letters, with reference to the continuance of this Commission, and that he contemplates inserting the Acts regulating it in the Schedule to an Expiring Laws Act, similar to that passed last year, and thereby continuing the above Acts for one year, I feel it my duty to inform you that, having regard to the provisions of the Acts regulating this Commission, and in particular to the peculiar mode of their coming into operation, it is extremely doubtful whether, if they were included in such an Act, it would be operative in respect of any colony, whether such colony has already adopted the Acts or not.

On the occasion of passing the West Indian Incumbered Estates Act (1858), Mr. Herman Merivale (who is eminently competent to advise in such a question) concurred with me in thinking that it was not sufficient to pass any further Act of Parliament on the subject, without special provisions as to its operation in the colonies, and which provisions were accordingly settled by Mr. Merivale and me, and will be found in the Act of 1858, and also in the Draft Bills furnished by me to Mr. F. Peel last year, and to you in the present year.

The question, as to the operation of the Act, may come judicially before this Court, any Colonial Court, or the Court of Chancery, immediately on the expiration of the present Session



Session of Parliament, and subsequently by appeal to the Privy Council, and may probably lead to varying and conflicting decisions, and great expense and injury to suitors, whilst it must inevitably throw doubts on the powers of this Court, and in particular on the statutory title which it is intended to confer on purchasers.

The Right Hon. E. Cardwell, M.P.,  
&c. &c. &c.

I have, &c.  
(signed) *Henry James Stonor.*

Enclosure 2, in No. 4.

DRAFT of a BILL intituled, An Act to amend "The West Indian Incumbered Estates Acts, 1854, 1858, 1862." Encl. 2, in No. 4.

WHEREAS it is contemplated that "The West Indian Incumbered Estates Acts, 1854, 1858, 1862," should in so far as such Acts or any provisions thereof are temporary in their duration, be continued by an Act of the present Session of Parliament for a further period to be named in such Act, and it is expedient that the same Acts should be amended: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may for all purposes be cited as "The West Indian Incumbered Estates Act, 1864." Short title.

2. "The West Indian Incumbered Estates Act, 1854," hereinafter called the Principal Act, "The West Indian Incumbered Estates Act, 1858," hereinafter called the First Amendment Act, and "The West Indian Incumbered Estates Act, 1862," hereinafter called the Second Amendment Act, and this Act shall, so far as is consistent with the context and objects of such Acts, be construed as one Act, and the Principal Act, the First Amendment Act, the Second Amendment Act, and this Act may for all purposes be cited as "The West Indian Incumbered Estates Acts, 1854, 1858, 1862, 1864." Definition of principal Act, &c.

3. Where Her Majesty, by Order in Council, has directed or shall direct the Principal Act, or the Principal Act and the First Amendment Act, or the Principal Act and the First and Second Amendment Acts, to come into operation in any of the Colonies mentioned in the Schedule to the Principal Act, or where any of such Colonies has presented or shall present an Address to Her Majesty, praying Her Majesty to issue such Order, then and in every such case such Order and such address respectively, shall apply and be construed to apply as well to this Act, and to any Act of the present Session of Parliament continuing "The West Indian Incumbered Estates Acts, 1854, 1858, 1862," as aforesaid (so far as regards the said Acts), as to the Principal Act, or as to the Principal Act and the First Amendment Act, or as to the Principal Act and the First and Second Amendment Acts (as the case may be). Provision as to Acts coming into operation.

4. Where any land shall be sold under the aforesaid Acts; or any of them, the Commissioners shall have power to include in such sale all or any horses, mules, cattle, live or dead stock, plant, carts, carriages, implements, duplicate and other unfixed machinery, utensils, and other chattels and effects used or employed in or about the cultivation of such land or any part thereof, and which may be subject to any incumbrance affecting such land or any part thereof, and all or any other horses, mules, cattle, live or dead stock, plant, carts, carriages, implements, duplicate and other unfixed machinery, utensils, and other chattels and effects used or employed in or about the cultivation of such land, and the owner or part owner or any mortgagee of which shall apply for or consent to such sale, and to apply the monies arising from the sale of such chattels and effects in the same manner in all respects as if such chattels and effects had been land sold under these Acts, or otherwise, according to the rights and interests of the parties entitled thereto; and such monies shall be subject to the payment of the same commissions or per-centages and fees, as they would have been subject to if they had arisen from land sold under these Acts. Power to include stock in sales.

5. The Commissioners shall have the same powers of appointing a receiver or receivers of any lands for the sale of which a conditional order has been made by them under these Acts, and likewise of the horses, mules, cattle, live or dead stock, plant, carts, carriages, implements, duplicate and other unfixed machinery, utensils, and other chattels and effects used or employed in or about the cultivation of such land or any part thereof, which may be subject to any incumbrance affecting such land, or any part thereof, and all or any other horses, mules, cattle, live or dead stock, plant, carts, carriages, implements, duplicate and other unfixed machinery, utensils, and other chattels and effects used or employed in or about the cultivation of such land, and the owner or part owner or any mortgagee of which shall apply for or consent to the appointment of such receiver or receivers, as they have under "The West Indian Incumbered Estates Act, 1862," over any land for the sale of which an absolute order has been made by them. Power to appoint receiver of lands and stock after conditional order for sale.

WEST INDIA INCUMBERED ESTATES ACTS.

COPIES of Circular Despatch of Sir George Cornwallis Levee, in the Year 1860, to the Governors of the West Indian Colonies, on the subject of the West India Incumbered Estates Acts; of NAMES of the West Indian Colonies into which the above Acts have been introduced, with the Dates of the Orders introducing the same; of a Memoriat to the Treasury, in the Year 1863, from Solicitors practising in *London*, applying for a Removal of the Offices of the West India Incumbered Estates Commission; and, of CORRESPONDENCE between the Colonial Office and the Treasury, during the present Year, on the subject of the continuance of the above Acts; &c.

(*Mr. Cave.*)

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*Ordered, by The House of Commons, to be Printed,*  
*12 July 1864.*

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PRINCE EDWARD ISLAND.

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RETURN to an Address of the Honourable The House of Commons,  
dated 2 May 1864;—for,

“COPY of the ADDRESS to Her Majesty, adopted by the House of Assembly of *Prince Edward's Island* on the 9th day of May 1859, praying for the Appointment of a COMMISSION to inquire into the existing Relations of LANDLORD and TENANT in that Colony :”

“And, COPY or EXTRACTS of the subsequent CORRESPONDENCE of the Secretary of State for the Colonies with the Governor of *Prince Edward's Island* and Landowners and others of that Colony, relating to the same Subject.”

Colonial Office, }  
25 July 1864. }

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FREDERIC ROGERS.

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(*Lord Stanley.*)

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Ordered, by The House of Commons, to be Printed,  
26 July 1864.

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| 7                    | T. F. Elliot, Esq., to W. H. Pope, Esq. - - -           | 26 Nov. 1863  | 123   |
| 8                    | W. H. Pope, Esq., to the Duke of Newcastle - - -        | 27 Nov. 1863  | 123   |
| 9                    | Sir F. Rogers, Bart., to W. H. Pope, Esq. - - -         | 5 Dec. 1863   | 124   |
| 10                   | T. F. Elliot, Esq., to W. H. Pope, Esq. - - -           | 10 Dec. 1863  | 124   |
| 11                   | W. H. Pope, Esq., to the Duke of Newcastle - - -        | 18 Dec. 1863  | 124   |
| 12                   | T. F. Elliot, Esq., to W. H. Pope, Esq. - - -           | 7 Jan. 1864   | 134   |
| 13                   | W. H. Pope, Esq., to T. F. Elliot, Esq. - - -           | 13 Jan. 1864  | 134   |
| 14                   | H. Palmer, Esq., to Mr. Secretary Cardwell - - -        | 18 Aug. 1864  | 136   |
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| 1                    | Mrs. Stephens to the Duke of Newcastle - - -            | - Feb. 1861   | 137   |
| 2                    | C. Fortescue, Esq., M.P., to Mrs. Stephens - - -        | 4 Mar. 1861   | 137   |
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| 1                    | Messrs. Stewart and others to the Duke of Newcastle - - | 1 Oct. 1860   | 138   |
| 2                    | R. B. Stewart, Esq., to Mr. Secretary Cardwell - - -    | 12 July 1864  | 141   |
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COPY of the ADDRESS to Her Majesty, adopted by the House of Assembly of *Prince Edward's Island* on the 9th day of May 1859, praying for the appointment of a COMMISSION to inquire into the existing Relations of LANDLORD and TENANT in that Colony:—And, COPY or EXTRACTS of the subsequent CORRESPONDENCE of the Secretary of State for the Colonies with the Governor of *Prince Edward's Island* and Landowners and others of that Colony, relating to the same subject.

## Despatches from the Governor.

— No. 1. —

(No. 29.)

COPY of a DESPATCH from the Lieutenant Governor Sir *D. Daly* to the Right Hon. Sir *E. B. Lytton*, Bart.

Government House, Prince Edward Island,  
13 May 1859.

No. 1.  
Lieut.-Governor  
Sir *D. Daly* to Sir  
*E. B. Lytton*, Bart.  
13 May 1859.

Sir,

(Answered, No. 11, 6 September 1859, page 59.)

I HAVE the honour of transmitting to you herewith, an Address to Her Majesty, passed by the Legislative Assembly of this Island in their present Session, on the subject of the "Land Tenures," and the fishery reserves, for the purpose of being laid at the foot of the Throne.

2. In an Address to myself, which I have also the honour of transmitting to you, the Assembly request my favourable recommendation of their proposition, with which request I beg very respectfully to comply, for although not very sanguine as to the efficiency of the remedy prayed for, I consider the proceeding of the Assembly in the present instance to be a move in the right direction.

3. It has also the singular advantage of having been adopted all but unanimously by the Assembly, the only dissentient voice being that of the "notorious escheator, Mr. Cooper."

4. Much might be said as to the prospect of complete success which this proceeding is imagined by some persons to present, but if it should meet the approval of Her Majesty's Government, it will I trust at all events have the effect of suspending the mischievous agitation of the subjects in question, and will give to all the parties interested further time for the consideration of other means for the solution of the difficulties which have so long impeded the advancement of this Colony.

I have, &c.

(signed) *D. Daly*,  
Lieut. Governor.

Enclosure 1, in No. 1.

To the QUEEN'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign,

WE, Your Majesty's loyal and devoted subjects, the House of Assembly of Prince Edward Island, in Parliament assembled, beg to approach Your Majesty, and most humbly submit for Your Royal consideration the following premises:—

"In certain Despatches from one of Your Majesty's Ministers, the Right Honourable Sir Edward Bulwer Lytton, Baronet, Secretary of State for the Colonies, dated Downing-street, 20th October and 3d December 1858, the Right Honourable Baronet therein states that the whole question of the land tenures in this Island is engaging his most anxious attention, and that it would give him unfeigned pleasure to receive such suggestions for their amicable settlement as could be accepted by Your Majesty's Government.

"Having taken these Despatches into consideration, after mature deliberation, and with an earnest design to terminate the disputes which have so long disturbed the peace and harmony of the Colony, the House have adopted the following resolutions:—

"Whereas certain questions arising out of the original grants of the lands in this Island, severally called the Escheat question, the Fishery Reserve question, and the Quit-rent question, have for many years caused much discussion and difference of

opinion amongst the people of this Island, and many delusive projects and impracticable measures have been and are from time to time enunciated respecting such questions, whereby the tenantry have been and are greatly imposed upon and induced to support the propounders of such measures, under the delusive hope that by doing so they will be relieved of the payment of rent; and the attention both of the people and Legislature being occupied with such deceptive schemes, measures intended to develop the resources of the Colony are not only neglected, but a state of society equally opposed to the moral, social, and political welfare of the people, and their true interests is produced: And whereas various despatches have for a great number of years declared that Her Majesty's Government will not consent to any compulsory interference with the laws and rights of the proprietors, and which has been strongly reiterated in the despatch of Sir Edward Bulwer Lytton, now Her Majesty's Principal Secretary of State for the Colonies, dated 20th October 1858, and 3d December 1858, from which it is clear that any measures for the benefit of the tenantry must result from an amicable arrangement with the proprietors: And whereas the agitation of hostile measures, such as escheat, fishery reserves, and quit-rents, must not only result, as they always have done, in leading the tenantry into costs and trouble without in any way ameliorating their condition, but will also engender a feeling in the proprietors, rendering them disinclined to listen to proposals which, if such agitation were at an end, they would be likely to entertain: And whereas Sir Edward Bulwer Lytton, in his despatches above referred to, while refusing to sanction measures which in England are considered inconsistent with the rights of property, has expressed the readiness of Her Majesty's Government to co-operate with the Legislature in furthering measures for the settlement of the land tenures, if conceived in a spirit of fairness and conciliation to all parties:

"Therefore resolved, 1st. That an humble address be presented to Her Majesty, praying that Her Majesty will be pleased to direct a Commission to some discreet and impartial person, not connected with the Island or its affairs, to inquire into the existing relations between landlord and tenant, and to negotiate with the proprietors for such abatement of present liabilities, and for such terms for enabling the tenantry to convert their leaseholds into freeholds, as, without infringing on the rights of the landlords, may be fairly and reasonably asked for to ameliorate the condition of the tenantry.

"2d. Resolved, That in the opinion of this House the basis of any such arrangement should be a large remission of arrears of rents now due; and secondly, the giving every tenant holding under a long lease an option of purchasing his land at a certain rate, at any time he might find it convenient to do so.

"3d. Resolved, That a remission of arrears of rent may be reasonably asked, inasmuch as the existence of these arrears, although it is due partly to an unwillingness of the tenants to pay rent, under the idea that escheat or some other delusive scheme would enable them to evade; yet it is also due in part to the lâches and remissness of the landlords and their agents in not enforcing it; and because, in many cases, the arrears, however incurred, amount to so large a sum that the exacting them would prove ruinous to a large number of loyal and industrious people, and would further entirely put it out of their power to avail themselves of the plan suggested in subsequent resolutions for purchasing their farms.

"4th. Resolved, That as the circumstances of the tenantry would not in general enable them to pay down any large portion of the purchase-money, the best and only means for converting the tenures into freeholds lies in the adoption of the plan which would practically constitute every farm a savings bank for its owner, in which he could from time to time invest his savings at interest, towards the purchase of his farm, an arrangement which could be effected by the following means; viz., that the landlords should agree to permit the tenants to purchase their farms for such sum per acre as shall be fixed upon; and providing further, that when any tenant (whose rent was paid up) should be desirous of paying any sum, not being less than ten pounds, towards the purchase of his land, he should have the option of doing so, and that the interest on the ten pounds, or other amount so paid, should thenceforth go in reduction of his yearly rent, and so on for every payment on account of purchase until the whole was paid, when he should receive his deed, and that similar covenants should be inserted in all future leases for terms over 40 years; such an arrangement would not only give the tenant the advantage of paying an instalment of his purchase-money, and at the same time reducing his rent whenever he chose, without subjecting himself to the vexation and costs incident to cases of inability to meet instalments agreed to be paid at a particular day, but would, in the opinion of this House, gradually but certainly change the tenures into freeholds, without the aid of loans and the expensive subsistence of public offices, by which heavy liabilities have already been, and would, if persevered in to a much greater extent, be imposed on the public finances.

"We do therefore humbly pray that Your Majesty will be pleased to take the foregoing matters into Your Royal consideration, and to appoint some fit and proper person or persons Commissioner or Commissioners to inquire into the relations of landlord and tenant in this Island, and negotiate with the proprietors of township lands for the fixing some certain rate of price at which every tenant may at any time have the option of purchasing his land, or of paying instalments of such purchase, and thereby gradually reducing the yearly rent until the whole price thereof is paid; and also to negotiate with the proprietors for a remission of the arrears of rent in such cases and on such townships as the said Commissioner



or Commissioners, from the circumstances of the tenantry or otherwise, may deem reasonable and expedient; and also to make such report respecting the Fishery Reserve question, and other questions relating to the township lands of the Island, as we confidently hope will effect a final settlement thereof, and prevent an agitation regarding the same in future.

“House of Assembly, P. E. Island,  
9th May 1859.”

“(signed) DONALD MONTGOMERY,  
“Speaker.”

## Enclosure 2, in No. 1.

To His Excellency Sir *Dominick Daly*, Knight, Lieutenant Governor and Commander-in-Chief in and over Her Majesty's Island, Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

Encl. 2, in No. 1.

May it please Your Excellency,

THE House of Assembly having resolved to address Her Majesty on the subject of the land tenures and fishery reserves of this Island, as alluded to in the Despatches of Her Majesty's Principal Secretary of State for the Colonies, addressed your Excellency, and bearing date the 20th October and 3d December 1858, have passed an Address to Her Majesty on the foregoing questions.

The House of Assembly respectfully request that your Excellency will be pleased to forward the same to Her Majesty at your earliest convenience, and at the same time to give your Excellency's favourable recommendation.

House of Assembly,  
9 May 1859.

“(signed) Donald Montgomery,  
Speaker.”

## —No. 2.—

(No. 21.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace the Duke of *Newcastle*, K.G.

Government House, Prince Edward Island,  
8 August 1859.

No. 2.  
Lieut. Governor  
Dundas to the Duke  
of Newcastle, K.G.  
8 August 1859.

My Lord Duke,

(Answered, No. 13, 17 September 1859, page 59.)

IN the instructions, dated 7th January 1859, which before leaving England I received from Sir E. B. Lytton, he desired me to ascertain, after my arrival in the Island, whether it would be possible to appoint a Commission or Committee to consider the best means for the final settlement of those questions, connected with the tenures of land, that had for so long agitated this Colony, and hindered its prosperity.

2. At the time that Sir Edward delivered these instructions to me, a Government was in power here, which it was believed would not be favourable to the appointment of such a Commission.

3. Since then, however, that Government has been replaced by one which has anticipated the means of adjustment pointed to by Sir E. B. Lytton, and which carried an Address from the House of Assembly, dated 9th May 1859, praying that Her Majesty would appoint a Commission to inquire into the relations of landlord and tenant in this Island, with the view of settling what was in dispute between them, and facilitating the equitable acquisition by purchase of his farm by the tenant.

The Address likewise suggests other questions, the principal of which is that of the fishery reserves, to be dealt with by this Commission.

4. From all I have learned since my arrival in the Colony, I am strongly of opinion that the appointment of such a Commission would be highly beneficial, and that it would go far towards effecting a final and satisfactory settlement of what has been for so many years in dispute.

5. I think it is very desirable that arrangements be entered into at once for the formation of this Commission.

6. Though Sir Edward pointed to a selection, by me, of men belonging to the Island to compose the Commission, I consider that it would be preferable to take two out of the three, who would form it, from the adjoining colonies, and the third from England.

7. This would prevent any unfair bias or leaning towards either party being attributed to the Members of the Commission.

8. From the time of my arrival in North America, I have made anxious inquiry, with the view of securing the services of the best and the most able men to be had.

9. I feel much gratification in being able to submit to your Grace the names of two gentlemen, of whom there seems to be but one opinion entertained by all who have expressed themselves to me regarding them.

10. Mr. John Hamilton Gray, of St. John, New Brunswick, is one, and Captain Robinson, R.N., of Campo Bello, in the Bay of Fundy, is the other; both these gentlemen are well qualified for Commissioners, they bear high characters for integrity and uprightness, they are well acquainted with all colonial subjects, and well used to deal with them; Mr. Gray has already the advantage of a personal acquaintance with Prince Edward Island, acquired during the time that he was employed as umpire between the English and American Commissioners on the Reciprocity Treaty respecting the rivers of the Island, when he gave great satisfaction.

11. Being a barrister, his legal knowledge will prove highly advantageous to the Commission.

12. In addition to these two, I would also bring under your Grace's notice Mr. Johnston, the Attorney General of Nova Scotia, a gentleman of profound legal acquirements, and who, if your Grace thought it desirable, might be substituted for Captain Robinson.

13. The third name which I would submit to your Grace is that of a gentleman in whose ability and judgment I place full reliance, based on my personal knowledge of his character. He is Mr. Thomas Robert Preston, of 26, Austin-friars, E. C.

14. Mr. Preston has had large colonial experience, gained during a residence in Canada, and while he acted as a Special Commissioner for the Southern Whale Fishery Company to the Auckland Islands. He is a thorough business man and accountant.

15. If your Grace will sanction my doing so, I shall put myself in communication with Mr. Gray and Captain Robinson, or Mr. Johnston; and should your Grace approve also of Mr. Preston being appointed a Member of the Commission, that gentleman might receive, direct from the Colonial Office, orders to hold himself in readiness to proceed, without delay, to Prince Edward Island.

16. With regard to the expenses of the Commission, it has been suggested that one-third be defrayed by the Legislature of the Island, one-third by the proprietors, and the remaining third by the Home Government.

17. To the last part of the proposed arrangement I trust your Grace will not object. Compared with the results to be gained, the expense is as nothing; and when the long-agitated questions that have disturbed the peace of the Colony shall have been settled, much difficulty and embarrassment will be saved, not only to Her Majesty's Representative here, but to the Colonial Office at home.

18. Independently of the advantages to be gained both by the Island and at home by the settlement of these questions, there is another consideration demanding grave attention.

19. In the original grants of several of the townships of this Island, a space of 500 feet high-water mark, is reserved, and free liberty extended to all Her Majesty's subjects to make use of this space for fishing purposes. By treaty, equal rights to those of British subjects, as regards fishing, are granted to the Americans, who, if they were aware of the extent to which they might, under the words of that treaty, claim these, would not be slow in taking advantage of them, and thus causing extreme inconvenience, if not incurring the certainty of serious misunderstanding.

20. The principal questions, to the solution of which the Commissioners will have to apply themselves, are, "the Land Tenures," "the Quit-rents," and "the Fishery Reserves." With regard to the two first, there is in reality but little difficulty; and an authoritative decision, at which men of sound judgment can readily arrive, will go far to set these matters at rest for ever.

21. The fishery reserves question will probably require more time and deeper inquiry; but I anticipate the most satisfactory results from the practical acquaintance which Mr. Gray has already with all the shores and numerous inlets of the Island, a knowledge which will greatly assist the Commission in arriving at an equitable and just conclusion.

22. Should



22. Should the report of these gentlemen meet with your Grace's approval, perhaps your Grace will sanction a short declaratory Act of the Imperial Legislature being passed to carry out the recommendation of the Commissioners. This would effectually silence any attempt to revive in the Colony agitation on the subject, even for electioneering purposes.

23. On an adjustment of these questions being attained, I anticipate that the prosperity of the Colony will at once make a marked and rapid progress. It is impossible to over-state the resources of the Island as an agricultural settlement. The fertility of the soil, the ease with which that soil may be wrought, the cheapness of every necessary of life, and the facility of land and water carriage, all render it—when these advantages are combined with a climate healthy and congenial to an Englishman—a home essentially fitted for that class of colonist who is an active labourer, and has saved a sufficient sum to enable him to begin his career in a new country.

I have, &c.  
(signed) *George Dundas*,  
Lieut. Governor.

— No. 3. —

(No. 29.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace the Duke of *Newcastle*, K.G.

Government House, Prince Edward Island,  
3 October 1859.

My Lord Duke,

I HAVE the honour to acknowledge the receipt of your Grace's Despatch, No. 11,\* of date 6th September 1859, in which, with regard to the proposed Commission to inquire into the existing relations between landlord and tenant in this Island, your Grace expresses your opinion that any prospect of a beneficial result from the labours of that Commission would be nullified were the independent action of the Commission fettered by its having prescribed to it, by the House of Assembly, any particular measures as a basis of that arrangement which it should be the endeavour of the Commission to bring about.

2. I laid your Grace's Despatch before my Executive Council, who unanimously assured me that nothing could have been further from the wish of the House of Assembly than in any way to impede the free and independent action of the Commission, were your Grace to sanction its appointment; and that the principal reason for passing the Resolutions, which appeared to your Grace to indicate the circumscribing of the powers of the Commission, was to point out the existence of difficulties which a Commission might remove.

3. Under these circumstances I have only to add that, while it is the wish of the Government of this Island that the Commission should be at liberty to propose any measure which they may themselves judge desirable, yet the Government trusts that the suggestions of the House of Assembly, as contained in these Resolutions, may not be lost sight of by the Commission.

I have, &c.  
(signed) *George Dundas*,  
Lieut. Governor.

— No. 4. —

(No. 15.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace the Duke of *Newcastle*, K.G.

Government House, Prince Edward Island,  
16 April 1860.

My Lord Duke, (Answered, No. 23, 16 June 1860, page 60.)

I HAVE the honour to acknowledge the receipt of your Grace's Despatch No 12,\* of date 21st March 1860, on the subject of the Land Commission, and enclosing copy of a letter to your Grace from Sir Samuel Cunard.

I lost no time in laying your Grace's Despatch before my Executive Council, that immediate action might be taken to ascertain whether the tenants of  
528.

No. 3.

Lieut. Governor  
*Dundas* to the Duke  
of *Newcastle*, K.G.

3 October 1859.

\* Page 59.

No. 4.

Lieut. Governor  
*Dundas* to the Duke  
of *Newcastle*, K.G.

16 April 1860.

\* Page 60.

Prince Edward Island, or the House of Assembly on their behalf, were prepared to agree to a reference on the terms proposed in your Grace's Despatch.

With this object a Resolution, copy of which I herewith enclose, was moved in the House of Assembly, and affirmed by a large majority. Your Grace will observe that, by this Resolution, the House of Assembly, on behalf of the tenantry, agrees to the appointment of three Commissioners, one by each party to the reference, binds itself to abide by the decision of the Commissioners, or the majority of them, and pledges itself to concur in whatever measures may be required to give validity to that decision.

I have, &c.  
(signed) *George Dundas*,  
Lieut. Governor.

Enclosure in No. 4.

Enclosure in No. 4.

EXTRACT from Journal of the House of Assembly, Saturday, 14 April 1860.

RESOLUTION on the subject of the appointment of a Commission of Enquiry in relation to the Land Tenures of Prince Edward Island; carried on division, 18 to 6.

*Resolved*, that this House deem it expedient to concur in the suggestions offered for the consideration of the House of Assembly, as set forth in the Despatch from His Grace the Duke of Newcastle, dated Downing-street, 21st March 1860, on the subject of the proposed appointment of a Commission of Enquiry for the arrangement of the long pending disputes between the landlords and tenants of this Island. The House of Assembly therefore agree to the appointment of three Commissioners, one by Her Majesty, one by the House of Assembly, and the third by the proprietors; the expense of the Commission to be equally divided between the Imperial Government, the general revenue of the Colony, and the proprietors.

The House of Assembly also agree, on the part of the tenantry, to abide by the decision of the Commissioners, or the majority of them, and pledge themselves to concur in whatever measures may be required to give validity to that decision.

A further Resolution, nominating the Honourable Joseph. Howe, of Nova Scotia, a Commissioner on the part of the Assembly, passed *nem. con.*

(Certified.)  
(signed) *J. McNeill*, Clerk, House of Assembly.

— No. 5. —

No. 5.  
Lieut. Governor  
Dundas to the Duke  
of Newcastle, K. G.  
30 April 1860.

(No. 21.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace the Duke of *Newcastle*, K. G.

Government House, Prince Edward Island,  
30 April 1860.

My Lord Duke,

(Answered, No. 23, 16 June 1860, page 60.)

I HAVE the honour to inform your Grace that the House of Assembly, on behalf of the tenantry of this Island, have unanimously invited the Hon. Joseph Howe, of Halifax, Nova Scotia, to be their referee or arbiter in the approaching Land Commission.

Mr. Howe has expressed his willingness to act in the above capacity.

I have, &c.  
(signed) *George Dundas*,  
Lieut. Governor.

— No. 6. —

No. 6.  
Lieut. Governor  
Dundas to the Duke  
of Newcastle, K. G.  
30 April 1860.

(No. 22.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace the Duke of *Newcastle*, K. G.

Government House, Prince Edward Island,  
30 April 1860.

My Lord Duke,

(Answered, No. 23, 16 June 1860, page 60.)

REFERRING to my Despatch, No. 15\*, of date 16th April 1860, enclosing copy of a Resolution passed by the House of Assembly on the 14th instant, on the subject of the Land Commission, I have to inform your Grace that, confirma-  
tory



tory of the said Resolution, a short Act to the same effect has since been passed through both Houses.

This has been done in order to carry out the views expressed in your Grace's Despatch, No. 12\*, of date 21st March 1860, that as far as possible the Legislature of the Colony would concur in any measures which might be required to give validity to the decision of the Commissioners.

\* Page 60.

I have, &c.  
(signed) *George Dundas,*  
Lieut. Governor.

— No. 7. —

(No. 55.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace the Duke of *Newcastle*, K. G.

Government House, Prince Edward Island,  
1 October 1860.

No. 7.  
Lieut. Governor  
*Dundas* to the Duke  
of *Newcastle*, K. G.  
1 October 1860.

My Lord Duke, (Answered, No. 40, 22 October 1860, page 63.)

I INFORMED your Grace, in my Despatch, No. 50, of date 3d September 1860, that Messrs. Gray, Ritchie, and Howe, the three Commissioners appointed to investigate the land question, had arrived at Charlotte Town, and were to open their court on Wednesday the 5th September.

2. I have now to report that the Commissioners have brought their inquiries to a close, and that they leave Prince Edward Island to-day for Halifax.

3. These gentlemen have, since the opening of their court, conducted their investigations in a manner so careful and comprehensive that it reflects the utmost credit on their ability, and they have gained general confidence and respect from the courtesy, urbanity, and patience with which they have listened to every person claiming to be heard before them.

4. I have the honour to enclose, for your Grace's information, a report of the proceedings of the Commissioners, which has been prepared by them at my request.

I have, &c.  
(signed) *George Dundas,*  
Lieut. Governor.

Enclosure in No. 7.

Charlotte Town, Prince Edward Island,  
1 October 1860.

Enclosure in No. 7.

Sir,

WE have the honour to report for your Excellency's information, and for that of the Right Honourable the Secretary of State for the Colonies, who will, we assume, communicate with the combined proprietors, that the Queen's Commission was read in the council chamber in this city on the 6th day of September last, and that we have since held an open court, either in Charlotte Town, or in one of the shire towns of the counties into which the island is divided, on every day since, closing this morning.

All parties interested having been invited by public notice, and the members of the legislature by special circular, we have throughout the month been occupied in hearing evidence in the presence of large masses of the population, and have collected and written down a body of evidence, extending over 276 pages, and including the testimony of almost every leading public man in the Island, of a large majority of the proprietors or their agents, and of 200 delegations chosen and accredited by the tenantry.

In conducting this inquiry we have had the very able assistance of Joseph Hensley and Samuel Thomson, esquires, representing the provincial government and the tenants, and of Robert G. Haliburton and Charles Palmer, esquires, who have represented the proprietors. These gentlemen have been permitted to cross-examine every witness who presented himself in open court, and we have been favoured with their fearless discussion of the whole case for two days at the close of the sittings in Charlotte Town, including such legal questions as we presented for their investigation, or such as naturally arose in the progress of the inquiry.

The documentary history of this question is very voluminous, and we regret to say was not, at our coming, and is not now, arranged with sufficient accuracy and order to enable

us to study it with the ease and assurance of completeness which would guard us from error on important points.

This documentary history runs over nearly a century, including the correspondence of 25 Governors with the Board of Trade and with the Colonial Office, and is to be found in the journals of the legislature and the letter books of the province, or must be sought for on the files in Downing-street, where those of the Colony are, as often happens in the loose practice of early Colonial Governors, very incomplete.

To enable us rightly to comprehend all the proportions of the relations we are charged to investigate, and of the remedies we may desire to propose, it is almost indispensable that we should be furnished with the rent rolls of the proprietors, and with abstracts of the titles under which they hold their lands, and with various returns from the different public departments, including one or two that can only be obtained from home.

We propose now to spend the next three months in digesting the vast body of evidence we have collected, and in a thorough search into the history and merits of a controversy unexampled, perhaps, for length and virulence, in the history of colonization, and in the preparation of those returns which may be required to illustrate the subject, or fortify our decisions.

When we commenced our labours we were in hopes that they might be terminated in a few weeks, and that by the adoption of some general principles, we might be enabled to adjust the rights of all parties in a spirit of equity and fairness with very little delay. We have reluctantly abandoned this hope, and resigned ourselves to the conviction that haste in a matter of so much importance would not be true wisdom.

We had hardly entered upon this inquiry before we were compelled to consider it in some aspects scarcely anticipated when we assumed the task, and the questions of—

Escheat,  
Fishery reserves,

Quit-rents,  
Pay-list hands,

and the treatment and claims of the French and Indians have been pressed upon our attention by numerous delegations, and have been discussed in the arguments of counsel upon either side. It being impossible to cut off these collateral branches from the main inquiry, we decided to hear all that could be said upon them, and if possible to quiet, by an authoritative decision, the agitation of them for the future.

Coming to the conflicting claims of landlord and tenant, we soon discovered that all parties with whom the Commission originated had under-estimated the delicacy and difficulty of the inquiry. If one landlord owned the island—if one family had controlled its territory, one system would be apparent to the eye, and one remedy might be applied to its disorders, whatever they were.

But the Island having been divided into 67 townships, some of which have been since subdivided among several proprietors, each estate has a history and complications of its own; and even where several estates have fallen, at a later period, into the hands of one proprietor, their past treatment affects the length of leases, the value of the property, the amount of arrears, and the equitable considerations which must ultimately control our decisions in respect to them.

On some lots the leases have but 20 years to run, on others they are for 999 years. On some the rents are 1s., on others they are 2s. 6d. per acre. For some lots a price not higher than was paid for the Worrall and Selkirk estates would seem to be sufficient to remunerate the proprietor, while on others there is proof before us that lands are actually selling at prices varying from 2l. to 3l. 5s. per acre.

Where agents have been vigilant, and landlords have comprehended their duties as well as their rights, estates are in fair condition, leasehold tenures are easily converted into freehold, and there is but little discontent; but where the management has been bad, the title uncertain, or the tenants of a thriftless class, the contrasts are very striking; and it is therefore apparent that the hasty application of any general principles might work frightful injustice, either to the proprietors or the tenants.

Under these circumstances, it may yet be necessary, and we fear it will, to deal with each lot separately; and to enable us to do this with the care and circumspection which are indispensable to an equitable decision in each case, the facts bearing upon it must be collected, and so arranged as to afford the materials for just comparison.

We are most reluctant to deceive his Grace the Duke of Newcastle or your Excellency in a matter of so much importance, and we ought not, in an investigation affecting more than a million of acres of land, and the rights and interests of 80,000 people, to peril our reputations, as gentlemen, by deciding upon questions so important and interests so vast in less time than is often required by legal tribunals to adjudicate on a single estate, and without the aids which a Court of Chancery deems indispensable to the adjustment of the complicated transactions of individual parties.

It is clear to us that a hasty decision would compromise the honour of the Crown, and if unjust, as it probably would be, might be followed by renewed agitation, even more aggravated than that which has characterised the past. We are most anxious that our decision should be based upon such a thorough examination into the facts, and careful comparison of the relative condition of each township, that the grounds of our decision shall be apparent to proprietors and tenants, and defended either in the Colonial or the Imperial Parliament.

We propose, therefore, between this date and the end of the year, to review the 300 memorials which are upon our files, to digest the evidence which we have accumulated, and to dispose of the documentary history of the question, scattered through the files of  
nearly



nearly a century. In the meantime we may be compelled to employ a competent person to examine the condition of each township, and, after careful inquiry upon the soil, to fill up the returns with which he will be furnished.

When these are completed, should it be necessary we will visit the Island, and, with these returns in our hands, decide upon each case, and with a discriminating regard to every consideration which can be pleaded either by landlords or tenants.

However much we may regret the delay, we are very anxious that Her Majesty's Government, and all parties concerned, shall at least have the assurance that every pains have been taken to adjust these unfortunate disputes with the care and circumspection which are demanded by an acute sense of their magnitude and importance.

We cannot close this letter without thanking your Excellency for the ready access with which we have been honoured, the facilities afforded in the course of our inquiries, and for the hospitality and courtesy which we have received at your hands.

We have, &c.  
(signed) *J. Hamilton Gray.*  
*Joseph Howe.*  
*J. W. Ritchie.*

His Excellency  
Lieut. Governor George Dundas;  
&c. &c. &c.

— No. 8. —

(No. 56.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace the Duke of *Newcastle*, K.G.

Prince Edward Island, 1 October 1860.

My Lord Duke,

(Answered, No. 45; 2 January 1861, page 63.)

I HAVE the honour to transmit three authenticated copies of two Bills, intituled respectively, "An Act to authorise Grants of the Shores of this Island," "An Act to give effect to the Report of the Commissioners to be appointed on the Land Question."\*

2. I also enclose a statement by the Attorney General, explanatory of the objects of these Bills.

3. A suspending clause required by the character of these Bills is attached to each, they cannot therefore come into operation before receiving Her Majesty's assent; as it is desirable that the action of these measures should not be delayed, I would beg your Grace's early consideration of them.

I have, &c.  
(signed) *George Dundas,*  
Lieut. Governor.

Enclosure 1, in No. 8.

CAP. XXIV.

AN ACT to authorise Grants of the Shores of this Island.

THE Legislature deemed it expedient to pass this Act in order to invest the Government of the Colony with power to issue grants of portions of the sea shore of the Island, and of the shores along the bays and rivers thereof, to individuals, for the purpose of building breakwaters, wharfs, ships, and other such useful and necessary works and undertakings, and thereby to facilitate and encourage commercial enterprise.

This Act authorises the Lieutenant Governor to issue the grants for the purposes aforesaid, either with or without conditions, restrictions, or limitations, and either in fee simple, for life, or for a term of years, and at and for such price or yearly rent, to be expressed in such grants or leases, as to the Governor in Council shall appear just and reasonable.

The Act contains a suspending clause, until Her Majesty's pleasure therein shall be known.

Charlotte Town,  
Prince Edward Island.

(signed) *Frederick Brecken,*  
Attorney General.

No. 8.  
Lieut. Governor  
Dundas to the Duke  
of Newcastle, K.G.  
1 October 1860.

\* Page 10.

Encl. 1 and 2.

Encl. 1, in No. 8.

\* The authenticated copy of this Bill is printed as an enclosure to Lieutenant Governor Dundas' Despatch, No. 45 of 25th June 1862, page 24.

## Enclosure 2, in No. 8

## CAP. XXVIII.

Encl. 2, in No. 8:

"AN ACT to give effect to the Report of the Commissioners to be appointed on the Land Question."

THE Government of the Colony introduced this Act, and carried it through the Legislature, in pursuance of a suggestion contained in a Despatch from His Grace the Duke of Newcastle, Her Majesty's Principal Secretary of State for the Colonial Department, bearing date the 21st day of March last, and addressed to the Lieutenant Governor of this Island.

The policy and object of the Act are so clearly set forth in the preamble thereto, that it is unnecessary to enter into any further explanation of the reasons for passing it.

The Act provides that the report or award to be made by the three Commissioners, or any two of them, to be nominated and appointed by the several parties respectively, and to be authorised and empowered by Her Majesty, agreeably to and in conformity with the suggestions contained in the Duke of Newcastle's said Despatch, when in all respects signed and completed by the said Commissioners, or any two of them, shall be delivered to the Lieutenant Governor of this Island, who shall endorse thereon, under his own hand and signature, a note of the day and year when received, and it shall thereafter be registered at full length in the office of the Registry of Deeds in this Island, and the original part thereof, after being duly registered, shall be filed and kept in the office of the Colonial Secretary of this Island.

The Act further provides and declares, that the said award when so completed and delivered shall be deemed and taken to be final and conclusive, and the rights, interests, and estates of Her Most Gracious Majesty the Queen of, in, and to all the township, lands, tenements, and hereditaments, in so far as Her Majesty stands seised therein, or vested therewith, on behalf of the Government or inhabitants of this Island, and so far as the said rights, interests, and estates shall be submitted to the consideration and determination of the said Commissioners, and the rights, estates, rents, issues, and profits of such estates, liberties, franchises, and interests of all and every person and persons whomsoever, of, in, to, out of, or concerning the said township, lands, tenements, and hereditaments; whether acquired before or after the making of the said award or report, shall be and become subject to, charged and chargeable with, and bound by the award or report of the said Commissioners, or any two of them, in such manner, and to such extent, and for such time, as shall in the said award or report be awarded or required.

The Act contains a clause authorising the award or report to be pleaded in any court of law or equity in the Island, by any person whose estate or property may be affected thereby.

The Act provides for the appointment of new Commissioners in case of death, resignation, or incapacity, before the final making of the award or report.

The Act contains a suspending clause, declaring it shall have no force or effect until Her Majesty's pleasure therein shall be known.

(signed) *Frederick Brecken,*

Charlotte Town,  
Prince Edward Island.

Attorney General.

## — No. 9. —

(No. 61.)

No. 9.  
Lieut. Governor  
Dundas to the Duke  
of Newcastle, K. G.  
12 November 1860.

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace the Duke of *Newcastle*, K. G.

Government House, Prince Edward Island,  
12 November 1860.

My Lord Duke,

I HAVE the honour to enclose a letter addressed to your Grace, which has been placed in my hands for that purpose, by Mr. Charles Wright, a resident proprietor in this Island.

2. This letter accompanies a Petition to Her Majesty from Mr. Wright, which he desires that your Grace may lay at the foot of the Throne.

3. The prayer of Mr. Wright's Petition is, that Her Majesty will withhold Her sanction from an Act of the local Legislature of this Island, passed during the last session, and intituled, "An Act to give effect to the Report of the Commissioners on the Land Question."

4. The

The letter and petition from Mr. Wright will be found printed at page 143.



4. The object of my Government in the introduction of this Act was to give effect to the views contained in your Grace's Despatch, No. 12, of date 21st March 1860, that the Legislature of the Colony would, as far as possible, concur in any measures required to give validity to the decision of the Commissioners.

5. Mr. Wright's Memorial proceeds upon the assumption that the estates of those proprietors who were not parties to the Commission will, by this Act, be subjected to the investigations of the Commissioners, and be also bound by their award.

6. Your Grace will be able to judge whether this is the case or not. If it be so, the Petition drawn up by Mr. Wright explains the position in which he conceives himself to be placed.

I have, &c.  
(signed) *George Dundas*,  
Lieut. Governor.

— No. 10. —

(No. 62.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace the Duke of *Newcastle*, K.G.

No. 10.  
Lieut. Governor  
*Dundas* to the Duke  
of *Newcastle*, K.G.  
12 November 1860.

Government House, Prince Edward Island,  
12 November 1860.

My Lord Duke,

I HAVE received for transmission to your Grace from Mr. Bruce Stewart, the proprietor of an extensive landed estate in this Island, a Memorial signed by him and others owning land in this Colony.

2. This Memorial I have now the honour to enclose. The Memorialists pray that your Grace will recommend Her Majesty to withhold Her sanction from an Act of the Provincial Legislature framed to give effect to the Report of the Land Commissioners.

This Memorial will  
be found printed  
at page 138.

3. I must direct your Grace's attention to a statement in this Memorial calculated to convey an erroneous impression.

4. In the second page the Memorialists, referring to a letter addressed to your Grace, dated Bush Hill, 15th February 1860, declare that "they were no parties to this correspondence, but that, on the contrary, when certain of them were afterwards requested to become so by the Lieutenant Governor and others they refused.

5. These expressions would lead your Grace to suppose that I had solicited certain of the Memorialists to become parties to the arrangements agreed to by Sir Samuel Cunard and other large proprietors resident in England, with respect to the Land Commission.

6. Mr. Bruce Stewart was the only person whose name is attached to the Memorial with whom I had any conversation on the subject, and on one occasion I endeavoured to point out to him how desirable it was that all the large proprietors should act together harmoniously, so as to secure, if possible, the settlement of disputes injurious not only to their own interests, but to the general welfare of the Island.

7. I have already, in my Despatch, No. 61,\* of this date, addressed your Grace on the subject of the Act in question being petitioned against by a proprietor not a party to the Commission.

\* Page 10.

8. What I stated in that Despatch applies equally to the case of Mr. Bruce Stewart.

I have, &c.  
(signed) *George Dundas*,  
Lieut. Governor.

## — No. 11. —

(No. 63.)

No. 11.

Lieut. Governor  
Dundas to the Duke  
of Newcastle, K.G.

12 November 1860.

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace the  
Duke of Newcastle, K.G.Government House, Prince Edward Island,  
12 November 1860.

My Lord Duke,

\* Page 62.

I HAVE the honour to acknowledge Sir Frederic Rogers' Despatch, No. 39,\* of date 19th October 1860, enclosing copy of a Memorial from Mr. Bruce Stewart, and requiring a report from me on the subject.

2. Mr. Bruce Stewart's reluctance to permit his Memorial to be seen by any one here except myself, was the cause of my declining to send it officially to your Grace.

† Page 11.

3. Mr. Bruce Stewart's scruples having been overcome by the return of his Memorial, I have addressed your Grace on the subject of it, in my Despatch, No. 62,† of this date.

4. With regard to Mr. Bruce Stewart's complaint of injustice inflicted on him by the Honourable Joseph Howe, in his capacity of Land Commissioner, I have already, in my Despatch, No. 59, of date 15th October 1860, informed your Grace that I cannot believe that Mr. Howe acted towards Mr. Bruce Stewart in an unjust manner.

I have, &amp;c.

(signed) *George Dundas,*  
Lieut. Governor.

## — No. 12. —

(No. 64.)

No. 12.

Lieut. Governor  
Dundas to the Duke  
of Newcastle, K.G.

12 November 1860.

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace the  
Duke of Newcastle, K.G.

Government House, Prince Edward Island,

12 November 1860.

My Lord Duke,

1. A MEMORIAL from Lady Georgiana Fane has been placed in my hands for transmission to your Grace.

2. This I have now the honour to enclose.

3. Lady Georgiana Fane is possessed of a considerable landed estate in this Island. She was not a party to the appointment of the Land Commission, and she declines being bound by its award.

4. She fears that the Act of the Local Legislature, intituled, "An Act to give effect to the Report of the Commissioners to be appointed on the Land Question," if it receive the Royal sanction, may constrain her with regard to her estate.

5. She therefore prays that this Act may not be submitted for Her Majesty's confirmation.

\* Page 10.

6. I have already in my Despatch, No. 61,\* of this date, addressed your Grace on the subject of Mr. Charles Wright's protest against the Act in question.

The case of Lady Georgiana Fane is one so nearly parallel to Mr. Wright's, that it demands no additional notice.

I have, &amp;c.

(signed) *George Dundas,*  
Lieut. Governor.



## Enclosure in No. 12.

To His Grace the Duke of *Newcastle*, K.G., Her Majesty's Principal Secretary of State  
for the Colonial Department.

Encl. in No. 12.

The Memorial of *Cecily Georgiana Fane*,

Respectfully sheweth,

THAT your memorialist is possessed of an estate consisting of township lands, situate in Prince Edward Island.

That the greater portion of this estate is held by tenants under leases for the term of 900 years, reserving an annual rent of 9*d.* British sterling per acre.

That on the 5th day of July last past a Commission was issued under the Royal sign manual and signet, appointing John Hamilton Gray, Joseph Howe, and John W. Ritchie, Esqrs., Commissioners, for the purpose of inquiring into the differences relative to the rights of landlords and their tenants in Prince Edward Island, and adjusting them upon fair and equitable principles.

That the said Commission was granted, as memorialist has understood, at the request of the Legislature of the Colony, and with the consent and approbation of Sir Samuel Cunard and a few other proprietors of land in the Island, who had been consulted by Her Majesty's Colonial Minister on the subject, and who nominated one of the Commissioners above named.

That your memorialist understands that the proprietors who, with Sir Samuel Cunard, have signed a communication, dated "Bush Hill, Edmonton, 13th February 1860," and addressed to your Grace, are willing that the Commissioners shall fix and declare a price per acre, on payment of which their tenants may be entitled to conveyances of the fee-simple of the lands held by them, and also that the Commissioners shall have power to remit the whole or any portion of the rents in arrear and unpaid by the tenants.

That an Act was passed by the Legislature of the said Island in May last, intituled, "An Act to give effect to the Report of the Commissioners to be appointed on the Land Question." That your memorialist is advised that this Act, if assented to by the Queen, may have the effect of subjecting your memorialist's estates to the jurisdiction and award of the said Commissioners.

That your memorialist is unwilling to place her lands at the disposal of the Commissioners, or to alien an estate which she inherited from her ancestors, the original grantees thereof.

Your memorialists therefore prays that the "Act to give effect to the Report of the Commissioners to be appointed on the Land Question" may not be submitted for Her Majesty's confirmation.

And your memorialist will ever pray.

(signed) *C. Georgiana Fane*.

Prince Edward Island,  
8 November 1860.

## — No. 13. —

(No. 65.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace  
the Duke of *Newcastle*, K.G.

Government House, Prince Edward Island,  
12 November 1860.

My Lord Duke,

(Answered, No. 52, 13 February 1861, page 64.)

I HAVE the honour to transmit to your Grace a letter from Mr. Bruce Stewart, in which he desires to be informed whether "the Lieutenant Governor may, at his option, show or communicate to his Council, or others, any or every memorial or letter addressed by a resident in the Colony to Her Majesty's Secretary of State for the Colonies."

2. I have assured Mr. Bruce Stewart of my readiness to assist him by transmitting at any time such letters or memorials as he may wish to send to your Grace; but I claim a discretionary power with respect to communicating the same to the Leader of my Government, or to such Members of my Council as I may consider desirable.

No. 13.

Lieut. Governor  
*Dundas* to the Duke  
of *Newcastle*, K.G.  
12 November 1860.

3. I have no wish in doing this to place any restraint on the expression of the opinions of Mr. Stewart, or any other resident in the Colony, appealing to your Grace; but in such a case as Mr. Stewart's memorial, in which a public measure—an act of the Legislature—is protested against, it would lead to much inconvenience were I debarred, at the pleasure of the memorialist, from consulting my Constitutional Advisers, should I require further information to enable me to convey to your Grace an accurate report on the statements such a document might contain.

I have, &c.  
(signed) *George Dundas,*  
Lieutenant Governor.

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Enclosure in No. 13.

Encl. in No. 13.

My Lord Duke,

Charlotte Town, Prince Edward Island,  
6 November 1860.

YESTERDAY I received a communication from Sir Frederic Rogers, of the Colonial Office; I have also learned from his Excellency the Lieutenant Governor, that the memorial, signed by me and others respecting the Land Commission, having been sent back to his Excellency from the Colonial Office, is now in his Excellency's hands, and that he will again transmit it to your Grace. The letter from myself which accompanied that memorial, stated that a second communication would follow it, and mentioned the names of some of those noblemen and gentlemen to whom my late father, Mr. David Stewart, of Great Russell-street, London, had the honour of being well known. My last communication to your Grace explained the cause of the two first having been sealed after they had been read by his Excellency, Mr. Dundas. May I now beg respectfully to inquire whether it be your Grace's intention that the Lieutenant Governor may, at his option, show or communicate to his Council or others any or every memorial or letter addressed by a resident in the Colony to Her Majesty's Secretary of State for the Colonies, and placed open in his Excellency's hands for the purpose (if I rightly understand the rule in such case made, and provided) of receiving such comments, as his Excellency himself may see occasion to make, and (as I respectfully venture to hope your Grace may consider) not for the purpose of being seen and made use of by other persons, whether members of the Council or not.

Your Grace's reply on this point will greatly oblige,

Your Grace's, &c.  
(signed) *Robert Bruce Stewart.*

To His Grace the Duke of Newcastle.

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— No. 14. —

No. 14.

(No. 4.)

Lieut. Governor  
Dundas to the Duke  
of Newcastle, K. G.  
1 February 1861.

COPY of a DESPATCH from Lieutenant Governor *Dundas*, to His Grace the Duke of Newcastle, K. G.

My Lord Duke,

Government House, Prince Edward Island,  
1 February 1861.

I HAVE the honour to transmit, for your Grace's information, copy of a communication I recently received from Messrs. Gray, Howe, and Ritchie, the Commissioners appointed to investigate the land question of this island.

2. Your Grace will observe that these gentlemen, after devoting the labour of a fortnight at Halifax to the arrangement of the mass of materials collected during the sitting of their court here last autumn, have adjourned their meeting until April, shortly after which period they hope to be in a position to make their report.

I have, &c.  
(signed) *George Dundas,*  
Lieutenant Governor.



## Enclosure in No. 14.

Sir,

Halifax, 11 January 1861.

Encl. in No. 14.

WE have the honour to report that Mr. Gray having visited Halifax for the purpose of enabling us to resume our labours in connection with the Land Commission, we have been engaged during the past fortnight; and though we have thus been enabled to make some progress in the investigation, the mass of materials before us renders it impossible for us to complete our report at the present sitting.

It is not probable that we can meet again till April, as Mr. Howe will presently be engaged in the business of the session; but, in the meantime, there is much work that we can subdivide; and your Excellency may be assured of our anxious desire to resume our labours, and to report as early in the ensuing summer as may be practicable.

We have, &amp;c.

(signed) J. Hamilton Gray,

Joseph Howe,

T. W. Ritchie.

Lieutenant Governor Dundas,

&amp;c. &amp;c. &amp;c.

## — No. 15. —

(No. 54.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace the Duke of *Newcastle*, K.G.

Government House, Prince Edward Island,

My Lord Duke,

24 June 1861.

I HAVE the honour to inform your Grace that Messrs. Howe, Gray, and Ritchie, the Commissioners appointed on the land question of this Colony, have assembled at Rothsay, in New Brunswick, for the purpose of completing the business of the Commission, and making their final award.

2. As these gentlemen have been already some days at Rothsay, and are devoting all their time and attention to the matter of the Land Commission, I am led to expect that I shall be able shortly to submit their decisions to your Grace.

I have &amp;c.,

(signed)

George Dundas,

Lieut. Governor.

## — No. 16. —

(No. 80.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace the Duke of *Newcastle*, K.G.

Government House, Prince Edward Island,

2 September 1861.

My Lord Duke,

(Answered, No. 94, 7 February 1862, page 65.)

I AM informed by Mr. Gray, the Chairman of the Land Commission, appointed last year, that he has transmitted to your Grace, by the mail of the 5th August, the unanimous report and award of Mr. Howe, Mr. Ritchie, and

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himself,

No. 15.

Lieut. Governor  
Dundas to the Duke  
of Newcastle, K.G.

24 June 1861.

No. 16.

Lieut. Governor  
Dundas to the Duke  
of Newcastle, K.G.

2 September 1861.

himself, on the different subjects arising out of the land question here, submitted to them by Her Majesty.

2. No copy of this report was furnished to me, as the Commissioners determined to place this document in the hands of your Grace only.

3. One of the Commissioners, however, in the course of conversation, divulged the chief features of the award, which appeared in a garbled form, shortly afterwards, in one of the public journals of the Island.

4. It was, therefore, desirable to obtain and publish, with the least possible delay, a true statement of the award; and the opportune arrival of Mr. Howe in the Island afforded an opportunity for him to correct the garbled account I have above alluded to, as also to justify, before a large audience of tenants, and their delegates, the unanimous report at which he and his fellow Commissioners had arrived.

5. I have the honour, herewith, to enclose a report of Mr. Howe's remarks on this occasion, as also a summary of the award, published under Mr. Howe's indorsement in the "Islander" of 23rd August.

6. I would venture to direct your Grace's attention to a difficulty, which, judging from the above summary, may arise, unless provided for in the award.

7. A loan of 100,000 *l.* will not be sufficient to purchase out all the large proprietors. In the event, therefore, of this sum being obtained and expended in the purchase of land, will the tenants on the unpurchased estates be excluded from the advantages offered in the other alternative, recommended by the Commissioners, namely, a compulsory power of purchase at 20 years' rent (or 18 years' of cash down), and in case of the farm not being worth 20 years' purchase, a valuation to decide its price?

8. I observe with satisfaction that decided opinions are expressed by the Commissioners on the long agitated questions of titles, escheat quit rents, and fishery reserves. These opinions, coming from unprejudiced and impartial men, cannot fail, in a great measure, to satisfy the minds of the people of this Island, and to terminate agitation on these points for ever.

I have, &c.  
(signed) *George Dundas,*  
Lieut. Governor.

Enclosure 1, in No. 16.

LAND COMMISSION.

Encl. 1, in No. 16.

Honourable Mr. *Howe's* Exposition of the Award.

(From the "Examiner," 26 August 1861.)

Charlotte Town, Tuesday, 20 August 1861.

MR. HOWE said that his visit to the Island at the present time was unconnected with the land question; he had come solely with a view to render the steamboat service on the Gulf more perfect and useful to both Provinces. On his arrival here, however, he had seen in one of the papers what appeared to be a garbled and inaccurate report of the award, and had thought it due to his brother Commissioners and to the people of the Colony to correct those errors, which he had done in a letter, over his own signature, which they would find in the "Examiner." He had yesterday received a note from Benjamin Davies, Esq., chairman of a committee of delegates, enclosing a copy of a letter which that gentleman had addressed on the 16th of August to the Hon. John H. Gray, requesting to be favoured with an outline of the Commissioners' Report. He thought it his duty under all the circumstances, and to satisfy the very natural anxiety of the people, to intimate to Mr. Davies that if the delegates would call upon him he would be happy to give them any information in his power. This meeting had grown out of those communications; he saw no necessity for mystery in the matter; on the contrary, the sooner the general principles embodied in the Report of the Royal Commissioners were universally known in the Island, the sooner all parties would prepare for the legislation which would be required to give effect to it. The Report itself had been sent to His Grace the Duke of Newcastle to be laid at the foot of the Throne. The Commissioners would have been glad to have sent forward



forward a copy for the information of the people whose interests were so deeply involved, but in our monarchical country there were certain forms, which, however they might sometimes seem to retard public business, it was graceful and prudent to observe. In accordance with official etiquette, therefore, it had been deemed proper that the Report should be transmitted to the Lieutenant Governor through the Secretary of State. He had no doubt that it would be printed in England and sent to the Island without any unnecessary delay; he had no copy with him, and of course could not pretend to give them from memory more than an outline of a document that covered hundreds of pages; he would do his best, however, to explain the general views and decisions propounded by the Commissioners.

In the "Examiner" of yesterday there was an abstract that was in the main very accurate; there was one paragraph, however, which though correct so far as it went, did not convey the entire judgment of the Commissioners. The paragraph read thus:—

"The Commission consider that the original grants were improvident, and the conditions not complied with; but owing to the lapse of time, it is deemed inexpedient to interfere with them. The Commission are of opinion that the Government of the Colony have always had and still possess the power to establish a court of escheat."

This is true, so far as it goes. The Government of Prince Edward Island always had, like all the other Colonial Governments, the right to escheat lands as part of its constitution. But the Commissioners decide, that as this right has not been exercised for 43 years, that as the Crown had expressly instructed the governors not to sanction any such measures, as though power had changed hands, no political party had resorted to this remedy, it was now too late to talk about escheat, and that a solution of the difficulties must be sought in other directions. Besides, the Commissioners were opposed to escheat, because if the original grants were annulled all title would be swept away; freehold and leasehold would be alike unsettled, and it did not follow, even if juries could be got to despoil the grantees, that the lands would belong to those who occupied them. For these and other reasons, it would be seen by the Report that the Commissioners while recognizing the abstract power of the Government, put aside the plan of escheating the lands as impracticable and absurd at the present day.

On one point Mr. Howe said that he wished to offer an explanation; it was very natural that the people of Prince Edward Island should be impatient of delay, and anxious for an early decision, but he had known a chancery suit involving the title to a single estate to last for 14 years; it was no uncommon thing for a suit about land in our common law courts to run over two or three terms. The Commissioners were all busy men, surrounded by public and personal engagements. A million of acres were involved in the land question, and the rights and interests of 70,000 or 80,000 people. It could hardly be said that the Commissioners, in adjudicating upon the varied and momentous questions covered by their Commission, in 18 months, could be charged with want of zeal, decision, and industry. For himself he would have preferred to have had another year, because although he believed that they had exhausted the evidence, and carefully examined the bearings of every question, still another year might have been well spent in reviewing the whole case, and in giving to the language of the Report greater condensation and precision. But the Commissioners had felt from the first that every hour's delay was fatal or injurious to some existing interest; they had, therefore, not only given to the Commission all their leisure hours when separated, but when together had laboured most assiduously. At Rothsay he was rarely in bed after four o'clock, and the daily labours of the Commission never closed till six; he trusted, therefore, that all parties would be satisfied that there had been no unnecessary delay.

Upon another point it was due to all parties that an explanation should be made. When the Commissioners were here last summer they held an open court for weeks together in all parts of the Island, and heard everybody, either personally or by delegate. A vast body of testimony was thus accumulated, but as almost everybody was a witness for himself, or gave testimony under strong party or personal bias, it became indispensable that the Commissioners should be in a position to check the statements by returns and information collected by a competent person whose errand to the Island nobody knew. To perform this service Mr. George Wightman was selected, and as that gentleman was perhaps not much known here, it might be satisfactory to the people to know something about him. George Wightman was born on the banks of the Shubenacadie, and has been familiar with farms and farming from his boyhood; having a natural turn for science, he taught himself engineering, and when Sir James Kempt came to our province from the battle fields of the Continent, where he had seen Napoleon's great roads, he brought with him M'Adam's Treatise, and began to turn the public attention to the improvements suggested; at that time all our great roads ran over the hills. Wightman was employed to re-survey them, and many of the best roads of our country we owe to his skill and to that of the young men who he trained in this service. When the St. Andrew's Railroad was commenced he sought employment on that work, where he learned and taught a good deal. When the line from St. John to Shediac was commenced, Mr. Light, who knew Wightman's value, took him there, and has assured me that in the completion of that great work Wightman's practical knowledge and experience were of the utmost value; a man so trained was just the man we wanted, particularly when we knew that his character and simple habits placed him above all temptation. The value returns, tables, and observations, appended to their report, would justify the selection; these contained a vast deal of information touching the soil, timber, sales of land, fertilizers and productive power of the Island, which would be found of great value, and the scientific deductions drawn from the Census Returns would be

found of great use to all parties who might be called upon to fix hereafter the value of the farms. It had been objected that Mr. Wightman's mission had not been announced, but if it had been, the very object would have been defeated, because he would have been liable, as we were, to be misled by those whose interests coloured or exaggerated their statements.

Mr. Howe said that he was happy to be able to assure the Delegation that the Commissioners had acted in a spirit of harmony; they had discussed every point with the most perfect frankness, had never decided anything by a vote, but had invariably come to a common conclusion; the Report was of course unanimous. It was due to his brother Commissioners to say that both Mr. Gray and Mr. Ritchie had, from the first, acted in an elevated and fair spirit. Had the Commissioners merely represented opposite interests, antagonism, and a majority and a minority report, ending in no practical advantage, would have been the result of their labours. That in a document so voluminous some errors might be found was more than probable; that the whole would be sharply criticised he well knew, but he had no fears but what that, when carefully read and fairly weighed, justice would be done to the Commissioners by the great body of the people.

The first part of the Report contained a history of the Land Question, down to the appointment of the Commission. To understand the question and to prepare this narrative had cost a deal of labour; public correspondence and documents of various kinds, scattered over old journals, newspaper files, and pamphlets, embracing a period of 70 or 80 years, had to be searched for, read, and collated. Their thanks were due to gentlemen on all sides, who had directed their attention to many of these documents; but they had to be studied, and the study of them necessarily took up much time. The Commissioners did not consider that they were in a condition to decide till these old files had been searched, till the evidence collected here had been digested, and until Mr. Wightman's labours had also been brought to a close. When all these sources of information had been exhausted, not a moment had been lost in deciding upon general principles, and preparing and signing the award.

Gentlemen present would readily comprehend the heavy responsibility which rested upon the Commissioners; as jurors they would not decide upon the title to a single fellow subject's estate without grave doubt and deliberation, and a sense of heavy obligation to do what was just and right. How much more onerous the burthen when a million of acres, and the rights of thousands, were involved. It was relief to feel the burthen off the mind; it was, perhaps, too much to hope that the verdict would give universal satisfaction.

Coming to the main question referred to them, the Commissioners decided that the granting away of the whole Island in blocks of 20,000 acres each was an improvident exercise of the prerogative of the Crown; but even improvident grants can only be revoked by a legal process, which had never been resorted to. There was no doubt that all the grants were forfeited for breach of conditions in not settling the lands with foreign Protestants. There is little doubt that they were forfeited over and over again for non-settlement and non-payment of quit rents, but as the Crown was the sole judge in all these cases; as the Crown not only did not avail itself of the laches of the subject, but actually forgave them, and confirmed their titles by authoritative declarations over and over again, the Commissioners justly decide, yielding everything that Mr. Cooper and other gentlemen have ever claimed, that the title of the proprietors cannot now be disturbed. With respect to the leases it is equally clear, that when a man had signed a lease, and in a written document had signed an acknowledgment of title, it was too late for him to ask the Commissioners to pronounce that bad which he had himself confirmed. All leases must, therefore, be regarded as valid and binding on all parties.

As regarded the quit rents the Commissioners considered the Treasury Minute binding, and that all arrears were remitted up to that period. As long as the Land Tax Act remained on the Statute Book, no quit rents could be collected; when that Act was repealed the quit rent of course revived.

It was apparent then that the conversion of the leasehold tenure into freehold could only be accomplished by a compromise, and it appeared to the Commissioners that an extension of the principles of the Land Purchase Act, passed by the Island Legislature some years ago, offered the fairest basis of compromise, the best solution of the difficulty that could be devised. The Commissioners, therefore, strongly recommend to Her Majesty's Government to guarantee a loan to the Colony of 100,000 £ sterling, to be loaned on the pledge of the general revenue of the Island, to be applied to the purchase of the estates, and repaid out of the money paid by the tenants for the conversion of their tenures. With a cash account to this extent at the disposal of the Government, the competition of proprietors for the money would determine the value of lands; there would be no necessity for coercion; the estates would be bought at prices which would enable the Government to resell them low, and to remit all the arrears as had been done in respect of the Selkirk and Worrell estates. If the prices paid for those properties formed any criterion, then, for about 2 s. 6 d. sterling per acre 800,000 acres could be relieved from the leasehold tenure. Adding what was already free, there would remain but about 160,000 acres, which could easily be purchased as the proceeds of the Selkirk and Worrell estates came in. If the prices demanded were higher, the operations might take a longer time; but far and above all other solutions of the difficulty this mode was certainly to be preferred.

This was the first solution of existing difficulties recommended by the Commissioners, and it was in their opinion, far above and beyond all others, the best. But should the Imperial Government decline to guarantee a loan, or the Provincial Government refuse to tender the securities, then other remedies were provided; there were two. It was in evidence before



before the Commissioners that some leasehold properties are selling at high prices, and that for others the landlords had refused from the tenants 1*l.* sterling an acre. It was clear that however valuable these properties might be, the landlord's interest in them was but 20 years' purchase. The Commissioners then award, that when any tenant shall tender to his landlord 20 years' purchase, or 100*l.*, the landlord shall be bound to give him a deed, and if the tenant pays in cash, a deduction of 10 per cent.; under this clause tenants can at once, and without delay, convert their farms, and become freeholders; if the tenant is not prepared to pay the money down, he may pay by instalments of 10*l.* a year for 10 years, the rent diminishing as the instalments are paid.

But many farms are not worth 20 years' purchase, and many are worth very little. To provide for all such cases, the Commissioners award, that any tenant who wants to purchase, may tender to his landlord what he conceives to be the value of his farm, say 30*l.* or 40*l.*; if the landlord accepts, there is an end of the matter; if he declines, he must appoint an arbitrator; the tenant appoints another, and if these two cannot agree, they appoint a third; these three men fix the price to be paid for the farm; if it exceeds the tenant's offer, the tenant pays the expense of the arbitration; if it does not, the expenses are to be paid by the landlord. The award is final and binding on all parties without appeal. The expenses could not exceed a few pounds. By this simple machinery, said Mr. Howe, every lease in the Island may be converted into freehold, should the British Government, which I trust it will not, decline to guarantee a loan.

The process of arbitration was common in all our courts; the people were familiar with it. There would of course be decisions as various as the localities, and the materials of which these simple tribunals were comprised; but that could not be helped. The Commissioners would much have preferred a skilful valuer for the whole of the Island, but they had no power to appoint or pay such an officer, and it was quite clear that a valuer appointed by the Government would not give satisfaction. There might be, under the system proposed, some eccentric valuations; a farm at one end of the Island may be valued too high, and one at the other too low, but, after all, the system was the best that could be devised, and no system was perfect. Tenants, whose price was fixed by arbitration, would be entitled to a discount of 5 per cent. for cash, and could pay by instalments if they preferred that mode.

The Commissioners, for a time, clung to the belief that they could fix some medium price, which could be applied to the whole Island; but they were compelled to abandon that idea. Some lands were worth \$ 10 an acre, some were not worth 5*s.*; no medium price could have been fixed that would not have worked frightful injustice. If fixed too low, the best properties would be sacrificed; if too high, the poorer class of tenants could not purchase at all.

As respected the arrears of rent, the Commissioners had been most anxious to act fairly between man and man. Very large arrears had accumulated on many of the estates. After anxious deliberation, the Commissioners had decided to strike off all the arrears which had accrued prior to 1858; this left to the landlord as much as in most cases he could ever collect, and it freed the tenant from a heavy burthen. Arrears of rent must of course be paid up before the landlord was bound to sell, but the tenant would have no difficulty in borrowing what he wanted when his title to the farm was confirmed by the transaction.

Mr. Howe said he had seen it stated in the "Examiner," that proprietors and their agents had, since the appointment of the Land Commission, been exerting themselves by the exaction of judgment bonds, promissory notes, and other securities from such of the tenants as were in arrears. That might be the case, and the Commissioners might regret that it was so, but they had no power to prevent them, or to arrest the ordinary course of law; all that they could do was to hasten their decision, and now it was quite clear that the sooner that the award was confirmed by legislation, the sooner would the tenantry be protected from any pressure of this kind.

On reviewing the actions of our ancestors we sometimes think them great fools, as our posterity will think us hereafter; of all the acts of folly committed in relation to this Island, perhaps there was none greater than that of drawing a coron of 500 feet all round the Island, and calling it a fishery reserve. In Nova Scotia, where no such reserve existed, a resident fishery had sprung up all round the coast; in Prince Edward Island, with the reserve, the fisheries were of comparatively little value. The Commissioners abolish this absurd reservation, and allow the lands to merge into the adjoining properties, whoever may own them. But, that a resident fishery may spring up, they provide that any man wanting to carry on the fishery may purchase from the Government a lot below high-water mark, and be entitled to purchase from the owner of the upland an acre immediately behind it. If there is any dispute about the price of the acre, which in nine cases out of ten there is not likely to be, then the value is to be fixed by arbitration. Of course, a man's orchard or barn-yard is not to be taken. But he had no doubt that the good sense of the Legislature would regulate the mode in which the general views of the Commissioners were to be carried out, and he had as little doubt that a valuable resident fishery would be the result of this policy.

The loyalists claims had not been forgotten; it was apparent that some of the proprietors had in good faith and in a generous and patriotic spirit, dedicated portions of their lands to the relief of the loyalists. There was too much reason to suspect that others merely made the tender to evade the payment of their quit rents; but after the lapse of more than half a century, the Commissioners could not distinguish between them, nor could they compel those who owned the lands now to appropriate them for the benefit of others without their own consent. But the matter as it stood in the papers was not creditable, and these old claims ought to be set at rest; that they might be, the Commissioners recommend that out

of any Crown lands that now are or hereafter may be in possession of the Government, they shall be satisfied, the burthen of proof that his claims are valid resting upon the applicant.

The claims of the French had seriously engaged the attention of the Commissioners; but the facts of history were against them. When the French had forfeited Louisburg and possessed Cape Breton, Prince Edward Island was their granary; and the French here, no doubt, aided and abetted in all those hostile incursions and breaches of treaty which led to the expulsion of the Acadians from Nova Scotia. Small blame to them for adhering to their own flag and fighting for their own nation; but as they did so, they must accept the misfortunes and casualties of war; they lost their lands, as many other worthy people did before them, by adhering to the falling cause. In Nova Scotia and New Brunswick, though the French, who are everywhere a worthy and amiable people, now own lands and have thriving and populous settlements, it does not appear that any of the lands confiscated in 1758 were ever restored to them. However much, therefore, the Commissioners might regret that it was so, it was quite apparent that the French in Prince Edward Island must follow the fortunes of those upon the mainland.

The right of the Indians to the undisturbed possession of Lenox Island and the hay lands that surround it, had been confirmed by the Commissioners.

"Having run over as briefly as I can, speaking from memory, the outlines of the Report, permit me to observe," said Mr. Howe, "that upon the public men of the Island it now depends whether any good shall result from the labours of the Land Commission. If you, laying aside all personal rivalries, party considerations, give legislative sanction to this report, I believe that these old vexed questions will be adjusted, and the prosperity of the Island secured. We have discharged our duty. Do yours, and all will be well. I do not mean to say that our report is perfect. I am prepared for disappointment in many quarters where people have been taught to expect too much. But I am quite confident that when the award comes to be carefully read and pondered by the people, they will do us justice, and that rational men will say that we have, under all the circumstances presented, dealt fairly and justly by all parties.

"In the absence of my brother Commissioners, it may not be out of place for me to say that both these gentlemen discharged their very delicate duties with a degree of thoughtful appreciation of the magnitude of the great interests committed to their care, and in a spirit so independent and yet so conciliatory, that they are entitled to your highest respect. Permit me also, in their names and my own, to acknowledge the obligations which we are under to the people of this Island for the confidence, courtesy, and kindness shown to us on all occasions, and in every part of it. In mixing freely with the public men of the province we have carefully abstained from the expression of any opinions upon the mere party questions of the hour, nor do I wish to touch them now. Parties, and party strife, and even party acrimony and injustice, are the prices we pay for freedom. You will always have these. The land question is not indispensable as a battle ground. There are others of sufficient magnitude and importance to engage your attention and employ all your energies when this is swept from the field of controversy. Let me implore you then to approach this great subject in a becoming spirit, and to lend to your country your best abilities to give vitality and security to this award by practical legislation. If you do, trust me when I say that Prince Edward Island will enter upon a new era, and that her industrial development and social elevation will be rapid and strongly marked in the happier future before her.

"I have said that there are many questions to engage the attention of thoughtful public men. I will refer but to one—the fisheries. As I stand upon the shores of the Strait of Canso, and see the white sails of hundreds of American fishermen gliding into this gulf to carry away the treasures that surround you—when I know that out of a single county of my province a hundred beautiful schooners are sent here every summer on the same errand, I am smitten with wonder that the people of Prince Edward Island appear so indifferent to the value of treasures which all the rest of the world so highly prize; and if I were a native of this Island I would never rest till my countrymen had vindicated their right to largely appropriate the resources of the surrounding seas, which God has so abundantly enriched. From the prosecution of the fisheries will spring more of foreign trade and the steady growth of a mercantile marine. Towns will rise up along the sea coast, giving a domestic market for the produce of the soil. Questions such as these are worthy of the consideration of your public men, and the development of the resources of the Island, moral, intellectual, and industrial, will, I trust, task their highest powers when these old questions have been adjusted and forgotten. I trust, at no distant day, to see these maritime provinces more closely united—their great lines of communication strengthened and improved; and at some more appropriate season it will give me pleasure to explain to you how all this may be brought about."

Here the Hon. Mr. Howe would have concluded his remarks, but the Hon. Mr. Whelan having stepped forward and apologetically requested to know, for the information of the people, what course, if any, the Commissioners in their award had recommended to be pursued with respect to those proprietors who had not been consenting parties to the appointment of the Commission, and whom the Duke of Newcastle had said, in one of his Despatches, would not therefore be bound by the award of the Commissioners:—

The Hon. Mr. Howe.—"Yes, the Duke of Newcastle had certainly said that the Commissioners had no power to bind the proprietors who were not parties to the reference; but at the same time, his Grace had given a most significant hint that they must, if they refused, expect no aid from him if difficulties arose hereafter. The view taken by the Commis-



sioners was this: That as the Crown had overlooked all the laches of these people—had forgiven them their arrears and paid the civil list, which they ought to have paid out of the treasury of Great Britain, that they were bound to submit to any policy that had the sanction of the Imperial and Provincial Government. If they did not, the Commissioners thought they ought to be constrained by legislation. Whatever their rights were, they should bend before the public interests, as those of the seigneurs of Canada, of the slave owners in the West Indies, or of the owners of the encumbered estates in Ireland had been made to bend, when great interests or high moral considerations were at stake.

Benjamin Davies, esq., then came forward, and apologising to the Hon. Mr. Howe for the trouble he was about to impose upon him, by presuming to require from him some information on a point to which he had not adverted in the explanation which he had so fully and kindly given, said—Public interests, as well as private, were in his opinion, to a certain extent, placed before the Royal Land Commission, to be adjudicated upon by them; and he conceived it to be the duty of public men to look, in an especial manner, with a careful and jealous eye to the preservation of public rights when they were in any way called in question; for if they suffered public rights to be invaded and infringed upon, the invasion and diminution of private rights could scarcely fail to follow, as an inevitable consequence. In listening to the information which his Excellency had so kindly afforded, he had failed to discover that any arrangement had been made for the protection or satisfaction of the claims which the people had upon the lands held by the proprietors. On the contrary, his Excellency had said that the Commission, induced thereto by various considerations, had confirmed the original grants, and that lapse of time, and the tenor of various despatches from the Colonial Office, had confirmed them in the propriety of remitting the quit-rents also to the proprietors; and he also understood his Excellency to say, that the Colonial Government had not, as guardians of the sacred trust reposed in them by the people, taken any action to lead the Commissioners to believe otherwise than that the Government admitted the validity of the proprietary claims. As such was the case, he would just beg leave to state, that the people very generally and their friends laboured under the opinion that the Royal Commission would point out the forfeited and other lands which were the property of the people, as well as state the amount of debts due to the Colony, in the shape of quit-rents and otherwise. When, in the year 1854, that part of the civil list of the Colony which had been borne and paid by the Imperial Government ceased to be so paid, and the people, through the action of their Parliamentary representatives, took upon themselves the burthens of the whole civil list, they did so on the express condition and with the assured understanding that, in return for their so doing, there would, over and above the concession of self government, be surrendered and placed at the disposal of the Colonial Legislature all the quit-rents, Crown lands, and permanent revenues belonging to the Crown in the Colony; and, therefore, the people and their friends had confidently expected that the Royal Commission would fully make good to them all that, at the period of which he had just spoken, had been promised to them on the part of Her Majesty, through Lieutenant Governor Bannerman. But his Excellency (Hon. Mr. Howe) had said, if he (Mr. Davies) had comprehended him aright, that in consequence of the Government's having declared that there were no public interests of a nature likely to clash with the proprietary claims to the lands of the Colony, the promises so sacredly guaranteed at the time he (Mr. Davies) had just referred to had not been or could not be entertained.

The Hon. Mr. Howe.—No decision of ours could affect the Civil List Bill. All the rights acquired under it belong of course to the Colony; but what was legally remitted prior to the passage of that Act could not have been transferred by it. This is the view we take, but the legal rights of the province could at any time be tested under the Civil List Bill independent of our award. The Crown was to decide what it did or meant to transfer. A court of law might decide even against the Crown, but the Commissioners had no power to reinvest the Crown with rights or revenues that they thought had been remitted.

George Beer, esq., M.P.P., then presenting himself to the notice of Mr. Howe, thanked him for the very elaborate explanation of the award which he had been kind enough to give. He (Mr. Beer) could have wished that the purchase money had been fixed by the Commissioners at a more moderate rate. Twenty years' purchase would certainly be a high valuation for farms in general, although some might be worth it. He was, however, glad to find that the award provided machinery, by the operation of which tenants would have it in their power to decline compliance with such valuation, or any other on the part of their landlords which they might think too high; and he believed much benefit to the tenantry would result from the arbitration clause of the award. There was great diversity as to the quality of the soil in different parts of the Island; but under the operation of the arbitration clause, that fact would in every case receive due consideration, and the award as to the value of the farm be made accordingly. In the matter the Commissioners had, he thought, gone quite as far as it was possible for them to go, with due and impartial regard to all the interests concerning which it had been their important duty to deliberate and decide; and as the people in general were becoming quite impatient to know the result, he was pleased to think that the report of his (Hon. Mr. Howe's) exposition of it would, in a great measure, relieve the public mind from anxiety on account of it. He again thanked Mr. Howe for the satisfactory manner in which he had explained the most important particulars of the award, from which, he doubted not, a great deal of good would ultimately result to the tenantry. The duties of the Commissioners had certainly been of a very onerous nature.

Hon. Mr. Whelan, M.P.P., having previously consulted with the other members of the

deputation, came forward and said—He begged leave to tender him the thanks of the deputation for the very full and minute information which, at their request, he had been pleased so candidly and courteously to communicate to them for the information of the people. Such information had for some time back been most anxiously looked for by them, and he would undertake that it should, as soon as possible, be transmitted to every quarter of the Island. They would doubtless be glad to receive it; for although the decisions by which they would learn the Royal Commissioners had arrived might not equal their expectations, it would yet afford them relief from the anxiety and suspense to which they had so long been doomed respecting it. He hoped, however, he should be excused from saying that he much regretted that etiquette should have been thought to prescribe that a duly authenticated copy of the award should not reach the people in any other way than by the circuitous route through Downing-street; for, owing to official delays and other causes, it might yet be several months before the transmission of it to the Island would be made from the office of the Secretary of State. Mr. Whelan then concluded, by again, for himself and brother delegates, thanking Mr. Howe for the very full and particular information which he had communicated, and for the very kind and candid spirit in which he had given it.

And so the audience terminated.

(signed) *R. B. Irving, Reporter.*

Encl. 2, in No. 16.

Enclosure 2, in No. 16.

(From the "Islander," Friday, 23d August 1861.)

Dear Sir,

Charlotte Town, 21 August 1861.

I HAVE much pleasure in transmitting you, for publication in the "Islander," the following particulars of the award of the Commissioners on the land question, obtained by me, since the arrival here of the Hon. Mr. Howe. I also enclose a note just received from Mr. Howe, to whom the manuscript had been submitted, in which that gentleman testifies to its correctness.

Yours, &c.

John Ings, Esq., Queen's Printer.

(signed) *W. H. Pope.*

Dear Sir,

21 August 1861.

I HAVE run my eye over your notes, written after our conversation; they are substantially correct, and contain, I presume, some details which I overlooked in my explanations to the delegates yesterday.

Yours, &c.

W. H. Pope, Esq., Col. Secretary.

(signed) *Joseph Howe.*

The best mode of quieting the disputes between the proprietors and their tenants, and of converting the leasehold into freehold tenures, is the first question discussed in the award.

This matter is gone into very fully, and the reasons set forth for the conclusions at which the Commissioners arrived, and the difficulties of almost any settlement pointed out.

A loan from the Imperial Government of 100,000 £ is recommended as the best and most expeditious mode.

Failing an arrangement between the Imperial and Local Governments on this point, the Commissioners enter upon the question of valuation. They refer to the conflicting nature of the evidence in the Island, the employment of Mr. Wightman, his returns, &c.; and then the impossibility of fixing any general rate to operate throughout the whole Island; and after pointing out that a specific valuator could alone do exact justice in each particular case, but whom they had no power to appoint owing to the time and remuneration required, they declare that the leases must be regarded as valid, but that there shall be a compulsory power of purchase, that the tenant shall have that right, the rent stipulated for in the leases being taken as the basis of the compromise. The Report then provides that in all cases where the tenant chooses to pay 20 years' purchase, he shall be entitled to a deed of the fee simple (if all arrears allowed by the award are paid up); if he pays cash down, 10 per cent. discount; if not, 10 years to pay; no payment to be less than 10 £, and no payment to be credited to purchaser while any arrears of rent shall be due.

Secondly.—If the lands are not considered by the tenant worth 20 years' purchase, the tenant may offer what he considers the value; if landlord refuses to accept the price offered, the amount to be settled by valuation, tenant to name one valuator, landlord another, and these two to name a third as umpire, the valuation of any two to be accepted as the value of the land; if price awarded be not greater than price offered, landlord to pay costs of valuation; if greater, tenant to pay them. If amount settled to be paid in cash down, tenant entitled to discount of five per cent.; if not, 10 years' credit; payments subject to conditions before mentioned. In both cases rents to be reduced in proportion to payments made.

Thirdly.—Proprietors of not more than 1,500 acres not to be affected by the award; and any



any proprietor desirous of retaining 1,500 acres exempt from operation of the award shall have that right.

Fourthly.—Leases under 40 years not to be affected.

*Arrears of Rent.*—All arrears prior to 1st May 1858 remitted.

Fishery reserves to be abolished. Proprietors of lands, of which they form the sea front, to be entitled to them, subject to any right acquired by lessees; that is treating them exactly as if the fishery reserves had passed by the original grants without any restriction. Provision is made for persons wishing to carry on the fisheries to have compulsory power of purchase of one acre by appraisalment.

Escheat of original grants declared impracticable; and that every Government of the Island for the last 40 years has practically ignored that solution, for none of them when in power ever tried to accomplish it.

*Quit Rents.*—Declared that all arrears previous to 11 Geo. 4, c. 17 (Land Tax Act) have been remitted, and are not now reasonable.

Claims of descendants of loyalists are not now to interfere with proprietors' rights. If claimants can make out a case for redress, local Government to afford relief out of public lands now or hereafter to be acquired.

Claims of descendants of original French cannot be entertained.

*Indian Claims.*—Lennox Island confirmed to Indians.

— No. 17. —

(No. 3.)

COPY of a DESPATCH from Lieutenant Governor *Dundas*, to His Grace the Duke of Newcastle, K. G.

Government House, Prince Edward Island,  
10 January 1862.

(Answered, No. 94, 7 February 1862, page 65.)

My Lord Duke,

I HAVE the honour to inform your Grace that I have fixed the 20th February, as the day on which the Legislature of this Island will assemble.

2. Much disappointment will be felt, if I am unable at the opening of the Session to give any information respecting the award of the Land Commissioners.

3. My Government have requested me to ask your Grace to furnish me with a copy of the Report of the Commissioners, in order that their decision may be communicated to the House of Assembly.

4. I would therefore venture to request, that, if possible, your Grace would place me in possession of a copy of the award before the 20th February.

I have, &c.  
(signed) *George Dundas*,  
Lieut. Governor.

— No. 18. —

(No. 15.)

COPY of a DESPATCH from Lieutenant Governor *Dundas*, to His Grace the Duke of Newcastle, K. G.

Government House, Prince Edward Island,  
3 March 1862.

(Answered, No. 97, 21 March 1862, page 65.)

My Lord Duke,

I HAVE the honour to acknowledge the receipt, this day, of your Grace's Despatch, No. 94,\* of date, 7th February 1862, enclosing a copy of the Report of the Land Commissioners. I have to thank your Grace for the promptitude with which your Grace has responded to my request to be furnished with it.

2. I regret, however, that it is not accompanied by an Appendix, which is referred to in the Report.

No. 17.

Lieut. Governor  
*Dundas* to the Duke  
of Newcastle, K. G.  
10 January 1862.

No. 18.

Lieut. Governor  
*Dundas* to the Duke  
of Newcastle, K. G.  
3 March 1862.

\* Page 65.

3. It is understood that the Appendix contains, *inter alia*, the report of Mr. Wightman, C.E., who was sent by the Commissioners to collect additional information for them.

4. My Government is particularly desirous that the Report or Returns made by this gentleman, should be laid before the House of Assembly. I would, therefore, venture to request that your Grace will furnish me with a copy of this Appendix.

5. I trust that this Despatch may reach England in time to allow your Grace to send this Appendix (should your Grace think fit to comply with my request) by the mail which leaves England on the 22d instant, as I shall thereby be enabled to lay it before the Legislature, previous to its closing.

6. I trust that the extreme importance of the subject warrants me in respectfully requesting your Grace's immediate attention to it.

I have, &c.  
(signed) *George Dundas*,  
Lieut. Governor.

— No. 19. —

No. 19.  
Lieut. Governor  
Dundas to the Duke  
of Newcastle, K.G.  
24 April 1862.

(No. 26.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace the Duke of *Newcastle*, K.G.

Government House, Prince Edward Island,  
24 April 1862.

My Lord Duke,

\* Page 66.

I HAVE the honour to acknowledge the receipt, yesterday, of your Grace's Despatch of the 5th inst.,\* enclosing a Draft Bill which you had received from Sir Samuel Cunard, embodying a plan for giving the tenants in Prince Edward Island the power of purchasing their holdings on certain terms therein laid down.

2. This Bill did not arrive in time to be laid before the Legislature during the late Session, which I closed on the 17th instant.

3. I have laid before my Government your Grace's Despatch, together with the Draft Bill enclosed in it, and I shall have the honour to communicate fully on the subject as soon as they have decided on the course they intend to pursue on this subject.

I have &c.  
(signed) *George Dundas*,  
Lieut. Governor.

— No. 20. —

No. 20.  
Lieut. Governor  
Dundas to the Duke  
of Newcastle, K.G.  
25 June 1862.

(No. 45.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace the Duke of *Newcastle*, K.G.

Government House, Prince Edward Island,  
25 June 1862.

My Lord Duke,

(Answered No. 120, 9 August 1862, page 66).

I HAVE the honour to transmit, herewith, in triplicate, authenticated copies of two Bills passed last Session.

No. 1.

No. 2.

2. These Bills have reference to the award or report made by the Commissioners on the land question. Suspending clauses are attached to both.

3. These Bills are intituled respectively

1. "An Act to give Effect to the Report of the Commissioners on the Land Question."

2. "An Act to facilitate the Operation, in certain Particulars, of the Award or Report made by certain Commissioners to settle and adjust Differences respecting certain of the Township Lands of this Colony."

4. The



4. The Attorney-General has furnished me with a statement explanatory of the objects of these Bills. This statement I now also enclose.

5. A Minute of Council on the subject of these two Bills is being prepared by my Government. In this Minute my Government will state their reasons for framing these measures and carrying them through the Legislature.

6. When this Minute is placed in my hands, I shall at once forward a copy to your Grace.

I have, &c.

(signed) *George Dundas,*  
Lieutenant Governor.

Enclosure 1, in No. 20.

CAP. IV.

AN ACT to give effect to the Report of the Commissioners on the Land Question.  
[Passed 17 April 1862.]

Encl. 1, in No. 20.

WHEREAS the lands of this colony, shortly after it was ceded to Great Britain, were granted by his late Majesty King George the Third, in large tracts, generally containing twenty thousand acres each, to divers British subjects, and their heirs and assigns respectively, in fee simple, and in the grants or patents by which the said tracts of land were so conveyed, there were contained certain clauses and conditions, respecting the time and manner of settling the said lands, and also respecting certain quit rents therein reserved to his said Majesty, and his heirs, as well as certain reservations and rights intended for the benefit and encouragement of persons engaged in carrying on the fisheries of this Island. And whereas at different times since the issuing of the said grants, and often during the last thirty years, the legal interpretation and construction of the conditions and reservations, contained in the said grants, respecting the settlement of the said lands, the right of enjoyment of the said fishery reserves, and the payment of the said quit rents have been much questioned, and have greatly occupied and agitated the minds of large numbers of inhabitants of this colony. And whereas the final settlement and adjustment of these questions, with a due regard to the rights of all persons whomsoever interested therein, will conduce much towards the peace and contentment of the inhabitants of this Island. And whereas on the ninth day of May, in the year of our Lord one thousand eight hundred and fifty-nine, the House of Assembly of this Island agreed to an address to Her Most Gracious Majesty the Queen, wherein it was prayed that Her Majesty would be pleased to appoint some fit and proper person or persons as Commissioner or Commissioners, to inquire into the relations of landlord and tenant, in this Island, and negotiate with the proprietors of township lands, for the fixing of some certain rate of price at which every tenant might at any time have the option of purchasing his land, or of paying instalments of such purchase, and thereby gradually reducing the yearly rent until the whole price thereof be paid, and also to negotiate with the respective proprietors for a remission of the arrears of rent in such cases, and on such townships, as the said Commissioner or Commissioners, from the circumstances of the tenantry, or otherwise, might deem reasonable and expedient; and also to make such report respecting the fishery reserve question, and other questions relating to the township lands of this Island, as the House of Assembly confidently hoped would effect a final settlement thereof, and prevent all agitation regarding the same in future, which said address was duly forwarded to England, and laid at the foot of the Throne. And whereas a copy of the said address having been communicated by his Grace the Duke of Newcastle, Her Majesty's principal Secretary of State for the Colonial Department, to the proprietors of certain of the said township lands or estates in this Island, the same proprietors, by a certain communication in writing, dated from "Bush Hill House, Edmonton," on the thirteenth day of February, in the year of our Lord one thousand eight hundred and sixty, subscribed with their hands, and addressed to his Grace the said Duke of Newcastle, proceeded to state, and did state, and agree as follows, namely:—

"My Lord Duke,

"We have been furnished with a copy of a memorial addressed to Her Majesty, by the House of Assembly of Prince Edward Island, on the subject of the questions which have arisen in connexion with the original grants of land in that Island, and the rights of proprietors in respect thereof.

"We observe that the House of Assembly have suggested that Her Majesty should appoint one or more Commissioners, to inquire into the relations of landlord and tenant in the Island, and to negotiate with the proprietors of township lands, for fixing a certain rate of price at which every tenant might have the option of purchasing his lands; and also to negotiate with the proprietors for a remission of the arrears of rent, in such cases as the Commissioners might deem reasonable, and proposing that the Commissioner should report the result to Her Majesty.

"As large proprietors of land in this Island, we beg to state that we shall readily acquiesce in any arrangement that may be practicable for the purpose of settling the various questions alluded to in the memorial from the House of Assembly, but we do not think that the appointment of Commissioners, in the manner proposed by them, would be the

most desirable mode of procedure, as the labours of such Commission would only terminate in a report which would not be binding on any of the parties interested.

"We therefore beg to suggest that instead of the mode proposed by the House of Assembly, three Commissioners or referees be appointed, one to be named by Her Majesty, one by the House of Assembly, and one by the proprietors of land, and that these Commissioners should have power to enter into all the inquiries that may be necessary, and to decide upon the different questions which may be brought before them, giving of course to the parties interested an opportunity of being heard.

"We should propose that the expense of the Commission should be borne by the three parties to the reference, that is to say, in equal thirds, and we feel assured that there will be no difficulty in securing the adhesion of all the landed proprietors to a settlement on this footing.

"The precise mode of carrying it into execution, if adopted, would require consideration and upon that subject we trust that your Grace would lend your valuable assistance.

"We have, &c.

"*S. Cunard,*

"*E. Cunard,* per *S. Cunard,*

"*Graham Montgomery,*

"*Selkirk,*

"*James Montgomery,*

"*Laurence Sullivan.*"

"To His Grace the Duke of Newcastle,  
&c. &c. &c."

And whereas a certain other agreement or paper writing, bearing date in the year one thousand eight hundred and sixty, was subscribed at Charlottetown, in the said Island, by certain other landowners, namely, Thomas Heath Haviland, Daniel Hodgson, and William Cundall, all of Charlottetown, Esquires; also John Roach Bourke, of Township Number Fifty, Esquire, John Archibald McDonald, of Tracadie, Esquire, and Charles Palmer, of Charlottetown aforesaid, Esquire, on behalf of himself, and the other proprietors of the western half of Township Number One, by which said last-mentioned agreement or paper writing, the said persons above named submitted and agreed to be bound by the award, or report of the said Commissioners, in like manner and effect as they the said hereinbefore named persons who subscribed the said recited letter, dated at "Bush Hill House, Edmonton," the thirteenth day of February, in the year one thousand eight hundred and sixty, which said other agreement or writing of the said year one thousand eight hundred and sixty, was also forwarded to his Grace the Duke of Newcastle, and it is just and reasonable that the said landowners who, either by themselves or agents, subscribed the said last above-recited agreement or paper writing, should be bound by the said report or award.

And whereas by a Despatch from his Grace the said Duke of Newcastle, bearing date the twenty-first day of March, in the year of our Lord one thousand eight hundred and sixty-one, and addressed to his Excellency the Lieutenant-Governor of this Island, a copy of which has been laid before the Legislature of this colony, his Grace, after referring to the prayer of the said address of the House of Assembly, and also to the above-recited communication from the above-named proprietors of township lands or estates in this Island, was pleased to state as follows, namely: "They, (the above-named proprietors) therefore, instead, suggest that three Commissioners or referees should be appointed, one by Her Majesty, one by the House of Assembly, and the third by the proprietors, and that they should be invested with power to hear and determine all the questions in dispute. It is further suggested that the expense of the Commission should be divided equally between the Crown, the tenants and the proprietors. If the consent of all the parties can be obtained to this proposal, I believe that it may offer the means of bringing these long-pending disputes to a determination. But it will be necessary, before going further into the matter, to be assured that the tenants will accept as binding the decision of the Commissioners, or a majority of them, and as far as possible, that the Legislature of the colony would concur in any measures which might be required to give validity to that decision." And whereas, in pursuance of the suggestions contained in the said recited Despatch, the House of Assembly on the fourteenth day of April, in the year of Our Lord one thousand eight hundred and sixty, passed the following resolutions, namely:—

"*Resolved*, That this house deem it expedient to concur in the suggestions offered for the consideration of the House of Assembly, as set forth in the Despatch from his Grace the Duke of Newcastle, dated Downing-street, the twenty-first day of March, in the year of our Lord one thousand eight hundred and sixty, on the subject of the proposed appointment of a Commission of Inquiry for the arrangement of the long-pending disputes between landlords and tenants of this Island, the House of Assembly, therefore, agree to the appointment of three Commissioners, one by Her Majesty, one by the House of Assembly, and the third by the proprietors, the expense of the Commission to be equally divided between the Imperial Government, the general revenue of the colony, and the proprietors; the House of Assembly also agree, on the part of the tenantry, to abide by the decision of the Commissioners, or the majority of them, and pledge themselves to concur in whatever measures may be required to give validity to that decision."

And whereas, in order to carry into effect the agreement or arrangement constituted by the above recited communication of the above-named proprietors, and the said last above-recited



recited Resolution of the House of Assembly, as well as by the said last-recited Despatch of his Grace the said Duke of Newcastle, Her Majesty's said Colonial Minister, Her Majesty was pleased to issue a Commission under Her Seal and Royal Sign Manual, in the words following; namely:

(L. S.) VICTORIA R.

"Victoria by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

"To all to whom these presents shall come, greeting:

"Whereas, we have been moved by the Assembly of our Island of Prince Edward, to appoint Commissioners to inquire into the differences now prevailing in our said Island, relating to the rights of landowners and tenants in our said Island, with a view to the settlement of the same, on just and equitable principles. And whereas the said Assembly has further, by a resolution dated the fourteenth day of April last, set forth its agreement to abide by the decision of any such Commissioners, or the majority of them, and to concur in whatever measures may be requisite for giving validity to their decision. And whereas it is highly desirable that the said differences should be adjusted. Now know ye that we taking the premises into our Royal consideration, are graciously pleased to nominate and appoint, and do by these presents nominate and appoint our trusty and well-beloved John Hamilton Grey, Esquire, our trusty and well-beloved Joseph Howe, Esquire, and our trusty and well-beloved John William Richie, Esquire, to be our Commissioners for inquiring into the said differences, and for adjusting the same, on fair and equitable principles.

"Given at our Court at Buckingham Palace, this twenty-fifth day of June, one thousand eight hundred and sixty, in the twenty-fourth year of Our reign.

"By Her Majesty's Command.

(signed) "Newcastle."

And whereas the said Commissioners having accepted the office conferred upon them by the said Commission, and taken upon themselves the duties imposed thereby, and having conjointly, at a court held by them in the said Island, proceeded to inquire and examine into the various questions and matters referred to them, as aforesaid, and having heard counsel on behalf of the landowners who submitted to the said Commission of Inquiry, and subscribed to the hereinbefore-recited letter of the thirteenth day of February, one thousand eight hundred and sixty, addressed to his said Grace, the Duke of Newcastle, by the said Sir Samuel Cunard and others, as well as on behalf of the said landowners who subscribed the said last hereinbefore-recited agreement; and having also heard counsel on behalf of the tenants of the said landholders, and heard and examined numerous witnesses on behalf of both parties, as well as divers other persons, inhabitants of the said Island, interested in the final settlement and adjustment of the said questions and differences referred to the said Commissioners, they the said Commissioners did thereafter, namely, on the eighteenth day of July, in the year one thousand eight hundred and sixty-one, at Rothsay, in the Province of New Brunswick, make their report or award in writing, of and concerning the various questions and matters referred to them, and did subscribe the said report or award with their respective names, and in their respective handwriting, a true and examined copy of which said report or award is to this Act annexed, marked Schedule (A).

And whereas, in order to maintain that good faith subsisting between Her Most Gracious Majesty the Queen and Her Imperial Government, and all those tenants and other inhabitants of this colony, interested in the award or report of the said Commissioners, and emanating from the reciprocal Acts of the said-recited Despatch of his Grace the Duke of Newcastle, bearing date the twenty-first day of March, in the year one thousand eight hundred and sixty, and the Resolutions of the House of Assembly of the said Island, passed on the fourteenth day of April in the same year, it is necessary that an Act of the Legislature should be passed to give validity to the said decision, or report of the said Commissioners:

1. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that the report or award of the said Commissioners, the hereinbefore-named John Hamilton Gray, Joseph Howe, and John William Richie, so made and subscribed by them, on the said eighteenth day of July, in the year one thousand eight hundred and sixty-one, and by them transmitted to his Grace, the said Duke of Newcastle, Her Majesty's Principal Secretary of State for the Colonial Department, shall be, and the same is hereby declared to be final and conclusive, and the rights, interests, franchises, uses, trusts and estates of Her Most Gracious Majesty, the Queen, of in, and to the aforesaid township lands, severally owned by the respective proprietors thereof, who, by themselves or agents severally, submitted to the said commission of inquiry; and subscribed to the hereinbefore-recited letter, dated the thirteenth day of February, in the year one thousand eight hundred and sixty, addressed to his said Grace, the Duke of Newcastle, and also the said agreement or paper writing, dated in the year one thousand eight hundred and sixty, in so far as Her Majesty stands seised thereof, vested therewith, or otherwise interested therein, on behalf of the Government or inhabitants of this Island, and so far as the said rights, interests, franchises, uses, trusts and estates have been submitted to the consideration and determination of the said Commissioners, and all and singular the rights, uses,

trusts, and estates, rents, issues and profits of such estates, liberties, franchises and interests of all and every the aforesaid landowners or proprietors who, by themselves or their agents, severally, subscribed to the said recited letter of the thirteenth of February, in the year last aforesaid, as well as of those landowners or proprietors who subscribed the aforesaid agreement or paper writing, dated in the year one thousand eight hundred and sixty, as aforesaid, of, in, to or out of the said township lands, tenements, and hereditaments, owned by them respectively, their heirs and assigns, shall be, and the same are hereby declared to be subject to, charged and chargeable with, and bound by, the said report or award of the said Commissioners, in such manner and to such extent, and for such time as in and by the said award is awarded, ordered, expressed, or required. Every tenant of any land, part or parcel of the said township lands, mentioned in the preceding clause of this Act, and every other person whomsoever, whose estate, property, or interest shall in any manner be, or become affected by, or according to the meaning of the said award or report, be intended to be affected thereby, shall and may be at liberty to plead the same in any court of law or equity in this Island; and every such court shall admit, and allow to every such person, as regards the estate, interest, claim or demand of such person, the full force and effect of the said award or report, according to the true intent, meaning, and operation thereof.

II. This Act shall be deemed to be a public Act, and the printed copy of the said award or report of the said Commissioners, appearing in Schedule (A), as aforesaid, and printed by the Queen's printer, in this Island, along with, and as part of this Act, shall be deemed and taken to be evidence of the said award, in all courts in this Island, touching any question arising from or out of the same, and shall have the same force and effect therein, as the said original award or report, bearing the actual signatures of the said Commissioners, would or could have were the same original award actually produced and proved in evidence.

III. Nothing in this Act contained shall have any force or effect until Her Majesty's pleasure therein shall be known.

(A true copy, which I certify.)

Charlottetown, Prince Edward Island,  
19 June 1862.

*Frederick Brecken,*  
Attorney General.

Enclosure 2, in No. 20.

#### CHAPTER XII.

Encl. 2, in No. 20.

AN ACT to facilitate the operation in certain particulars of the Award or Report made by certain Commissioners, to settle and adjust Differences respecting some of the Township Lands of this Colony.

[Passed 17 April 1862.]

WHEREAS on the twenty-fifth day of June, in the year of Our Lord One thousand eight hundred and sixty, Her Majesty was pleased to issue to John Hamilton Gray, Joseph Howe, and John William Ritchie, Esquires, Her Royal Commission, in form and to the effect hereinafter set forth, namely :

(L. S.)

“ VICTORIA R.

“ Victoria by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

“ To all to whom these Presents shall come, Greeting :

“ Whereas, we have been moved by the Assembly of our Island of Prince Edward, to appoint Commissioners to inquire into the differences now prevailing in our said Island, relating to the rights of landowners and tenants in our said Island, with a view to the settlement of the same, on just and equitable principles. And whereas the said Assembly has further, by a resolution, dated the fourteenth day of April last, set forth its agreement to abide by the decision of any such Commissioners, or a majority of them, and to concur in whatever measures may be requisite for giving validity to their decision. And whereas it is highly desirable that the said differences should be adjusted. Now know ye that we taking the premises into our Royal consideration, are graciously pleased to nominate and appoint, and do by these presents nominate and appoint our trusty and well-beloved John Hamilton Gray, Esquire, our trusty and well-beloved Joseph Howe, Esquire, and our trusty and well-beloved John William Ritchie, Esquire, to be our Commissioners for inquiring into said differences, and for adjusting the same, on fair and equitable principles.

“ Given at our Court at Buckingham Palace, this twenty-fifth day of June, one thousand eight hundred and sixty, in the twenty-fourth year of our reign.

“ By Her Majesty's Command.

(signed) “ *Newcastle.*”



And whereas the said Commissioners having taken upon themselves the burthen of the said Commission, did proceed fully to inquire and examine into the various matters to them thereby referred, and afterwards, that is to say, on the eighteenth day of July, in the year one thousand eight hundred and sixty-one, at Rothsay, in the Province of New Brunswick, they, the said Commissioners, did make and subscribe their report or award, in writing, of and concerning the various matters to them referred, and by them examined into, a true copy of which said report or award is set forth in the Schedule to an Act made and passed by the Legislature of this Island, during the present Session, intituled, "An Act to give effect to the Report of the Commissioners on the Land Question:" And whereas the said Commissioners, in their said report or award have suggested as one mode of settling the differences between the landowners and their tenants, named or referred to in the said report or award, or intended to come within the operation thereof, that a loan of one hundred thousand pounds should be obtained to enable the Government of this Colony to purchase the lands of the said landowners, and sell them to the said tenants, and that Her Majesty's Imperial Government should guarantee the repayment of the said loan, in the manner and upon the conditions in the said report or award mentioned or expressed; and the said Commissioners did therein, and thereby, further suggest and report, that in case the Imperial Parliament should refuse to guarantee such a loan, or the Government of the said Island should decline to tender the securities therefor, then, as another mode of adjusting the disputes between the aforesaid landowners and their said tenants, the said Commissioners did, by their said report, award that every tenant of the said township lands, owned by the aforesaid landowners, except as in the said report is excepted, should have the right to purchase from his landlord the land held by him, and that every landlord and tenant should have the security of a fair valuation of the land, in case of a difference.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows: In the event of any such tenant or lessee of township lands, as aforesaid, not agreeing to pay the price or sum fixed by his landlord, at which he, the said landlord, shall be willing to sell to such tenant the fee simple of the farm or land held by him, and the tenant shall have offered a lesser sum for the same, which the landlord has refused to accept, such tenant shall then have the right to demand an arbitration to be holden for the purpose of fixing a price or sum at which he may purchase the fee simple of his farm, as aforesaid, and thereupon it shall be the duty of such landlord, and he is hereby required, within ten days from the time when the tenant shall have named his arbitrator, for the purpose aforesaid, and shall have given notice of such nomination in writing to his said landlord, to name a person to act as such on behalf of him the said landlord (the said two arbitrators to be both residents in Prince Edward Island), and he shall signify such nomination to such tenant, in writing; and in case the parties so named, or either of them respectively, refusing to serve, they the said landlord and tenant, or either of them, as the case may be, shall proceed to name other person or persons to act as such arbitrator or arbitrators, as the case may be, and so proceed, until two arbitrators willing to serve are obtained, and give notification thereof in like manner as hereinbefore prescribed. And the parties so nominated as such arbitrators shall, in every case, be notified thereof, in writing, by the said landlord and tenant, respectively; and such notice shall be in the form in the Schedule to this Act annexed, marked (A.), or to the like effect.

II. The persons to be chosen and appointed arbitrators in manner, and for the purpose aforesaid, being notified of such their appointment, by notice under the hands of them the said landlord and tenant respectively, or those of their agents, in manner as hereinbefore prescribed, and upon their consenting to act in that capacity, such consent to be also made known in writing by them, under their hands, to the said landlord and tenant respectively, they shall be allowed ten days from the time of being so notified of such their appointment within which to decide upon the price or sum at which such tenant as aforesaid shall have the right or privilege of purchasing the fee-simple of his said farm, and to make their award or decision, which, when made, shall be, in writing, under the hands of the said arbitrators, and shall be in substance as in the form in the Schedule to this Act annexed, marked (B.), and shall be in duplicate, one copy for the landlord and the other for the tenant; and such award, when so made, shall be binding and conclusive on each of the last-named parties, and the price or sum fixed upon in said award shall be the price or sum at which such tenant shall have the right of purchasing the fee-simple of his said farm or land; and upon such tenant paying, or tendering the price or sum so awarded to his said landlord, or to the agent of such landlord, less five pounds per centum discount, in terms of the said in part recited report or award of the Commissioners appointed in manner, and for the purposes aforesaid, he shall be entitled to receive from his said landlord an absolute conveyance of his said farm or land: Provided always, that nothing herein contained shall take from such tenant the right or privilege of paying the said price or sum for the purchase of his said farm, in yearly instalments, in manner pointed out in the said, in part, recited report or award of the aforesaid Commissioners.

III. Immediately after the expiration of the ten days hereinbefore specified, if said arbitrators shall not have agreed upon the price or sum at which such tenant as aforesaid shall have the privilege of purchasing the fee-simple of his farm or land, and if they shall not have mutually agreed upon the choice of an umpire, it shall be the duty of such arbitrators thereupon forthwith to attend at the residence of a justice of the peace, residing in the vicinity of the farm or land in question, and shall then and there proceed to appoint an umpire, who shall be chosen in manner following: each of the said arbitrators shall proceed

ceed to name alternately six persons who shall be freeholders, resident on the township lands of the county wherein such tenant's farm shall be situate, but who shall not have any tenants under them; and from the names of the twelve persons so to be chosen as aforesaid, the said landlord, or his agent, and the said tenant, shall each strike off four names, and each of the remaining four names shall be placed on a separate slip of paper, folded up and placed in a ballot box; and the first name drawn therefrom, the same to be drawn by the said justice at whose residence they, the said arbitrators, shall have met, as aforesaid, shall be the umpire.

IV. It shall be the duty of the aforesaid justice of the peace, immediately after having drawn the one name from the ballot box, as hereinbefore mentioned, to seal up the said ballot box, with the three remaining names therein, and keep it in safe custody.

V. The said arbitrators are hereby required to notify the person so to be appointed umpire, as aforesaid, which notice shall be in substance as in the form in the Schedule to this Act annexed, marked (D), within three days after such his appointment (and such notification shall in like manner be given to each person successively appointed umpire as hereinafter pointed out, in the event of the person previously appointed refusing to serve), and it shall be the duty of such umpire, within ten days after having been so notified as aforesaid, to decide upon a valuation, and make his final award or umpirage in the premises; which award or umpirage shall be in writing, under the hand and seal of the said umpire, in duplicate, one copy for the tenant and the other for the landlord, and shall be in the form in the Schedule to this Act annexed, marked (C.), or to the like effect, and which award when so made shall be binding on each of them, the said landlord and tenant aforesaid, and the price or sum fixed upon in such award shall be the price at which such tenant shall have the right of purchasing the fee-simple of his said farm; and upon his paying, or tendering such price or sum so awarded, to his said landlord, or to the agent of such landlord, in such manner, and subject to such deductions as is hereinbefore prescribed, for cases where such arbitrators as aforesaid shall themselves decide upon a valuation, he shall in like manner as therein mentioned be entitled to receive from his said landlord an absolute conveyance of his said farm or land, provided always as in the last case mentioned.

VI. If the umpire so to be appointed as aforesaid shall refuse to take upon himself that office, and shall signify such refusal to the said arbitrators, the said arbitrators shall forthwith attend at the residence of the aforesaid justice of the peace, as in the first instance, and make the same known to him, who shall thereupon, in the presence of the said arbitrators, draw from the aforementioned ballot box one from the three names remaining therein, and which process in case of further refusal shall again be repeated until all the four names first placed in the ballot box shall have been drawn; and in case of all four whose names shall have thus been drawn, refusing to act as umpire to the said arbitrators, for the purpose aforesaid, it shall be the duty of the said arbitrators and such justice of the peace as aforesaid to follow and repeat the same process, until the person so chosen shall consent to act as such umpire.

VII. Provided always, and it shall be the duty of the justice of the peace before whom the said two arbitrators shall attend before proceeding to act in the appointment of the said umpire, to make a note or entry of the price offered by the tenant to the landlord, or his agent, for the purchase of the land in question. Each arbitrator and umpire who shall be appointed in manner and for the purposes aforesaid, and who shall discharge the duties hereinbefore prescribed to him respectively, shall be entitled to receive twenty shillings for his services in that behalf; that the said justice of the peace before whom the umpire shall be chosen and appointed, shall receive for his services the sum of ten shillings; and that every person who shall serve any paper or notice required by this Act, shall be allowed one shilling for every such service, together with mileage for the distance travelled in making such service, such distance to be calculated from the place where said person shall receive such paper or notice for service to the place where the same shall be served, and such mileage shall be the same as is allowed to constables under the Small Debt Act.

VIII. If any such landlord as aforesaid shall neglect or refuse to name or appoint an arbitrator, as hereinbefore required, the tenant in such case shall be entitled to receive an absolute conveyance of his land or farm, upon his tendering to his said landlord, or his agent, the price or sum first offered by said tenant for the same, as hereinbefore mentioned, provided that nothing herein contained shall take from such tenant or lessee the right or privilege of paying in instalments the sum last named for the purchase of the fee-simple of his said farm or land.

IX. Any person resident in this Island who shall hold a power or letter of attorney from any proprietor, authorising him to collect or receive rents in this Island, shall be competent and eligible to appoint an arbitrator for such proprietor, and to act for the said proprietor under this Act, in all respects as fully and effectually to all intents and purposes as the said proprietor himself, if present, might or could do.

X. Any proprietor of township lands who has already submitted himself to said award, if under the provisions thereof, he shall desire to retain particular lands to the extent of one thousand five hundred acres, shall within six months after this Act shall go into operation, file in the office for the registry of deeds, in Charlottetown, a plan and description of the lands which he shall so desire to retain; and any such proprietor who shall hereafter submit himself and his lands to the provisions of said award, shall file a like plan and description in said office, within six months after he shall so have submitted himself; and the lands specified in such plans and descriptions, shall be the only lands in each



each case which the proprietor filing the same shall be entitled to retain free from the provisions of this Act, and if no such plan and description shall within such time as aforesaid be filed by any such proprietor, he shall not be entitled to retain any such land free from the provisions of this Act.

XI. Nothing in this Act contained shall have any force or effect until Her Majesty's pleasure therein shall be known, and notification of Her Majesty's assent thereto shall have been published in the "Royal Gazette" newspaper of this Island.

#### SCHEDULE (A.)

To G. H. and J. K. of . Take notice that we, the undersigned, have appointed you our arbitrators to decide and adjudge the price or sum at which the undersigned C. D. shall have the privilege of purchasing the fee-simple of his farm of acres of land held by him of the undersigned A. B., under lease for forty years and upwards.

Dated this                      day of                      A. D. 186 .

A. B.  
C. D.

#### SCHEDULE (B.)

To all to whom these presents shall come.

We, the arbitrators, of township number                      in                      County  
(as the case may be) send greeting.

WHEREAS A. B., of                      , owner or proprietor of township, or part of township (as the case may be) number                      , by E. F. his agent (if such be the case) and C. D. of said township, number                      , have mutually agreed, in accordance with the provisions of the Act of the 25th Victoria, chapter                      , to appoint us arbitrators to award and determine the price or sum at which the said C. D. shall have the right or privilege of purchasing the fee-simple of his farm of                      acres of land situate on said township number                      , and owned by him the said A. B., and held under lease by the said C. D. for the term of forty years and upwards. Now know ye, that we the said arbitrators having taken upon ourselves such arbitration, and having viewed and examined the said farm or land so held by him, the said C. D. as aforesaid, and fully considered the matters submitted to us as such arbitrators, do by these presents, in writing, under our hand award, adjudge and determine that the said C. D. his executors, administrators, or assigns, shall have the right or privilege of purchasing the fee-simple of his said farm of                      acres of land so held by him, under lease as aforesaid, from the said A. B., at the price or sum of                      pounds of lawful current money of the said Island.

Dated                      A. D. 18 .

As witness our hands,

G. H.  
J. K.

#### SCHEDULE (C.)

To all to whom these presents shall come.

I,                      , the umpire, of township number                      , in                      County  
send greeting.

WHEREAS G. H. and J. K., arbitrators mutually appointed by A. B., of                      owner or proprietor of township, number                      , in                      county in this Island (by E. F., his agent, if such be the case), and C. D., of said township, number                      , farmer, for the purpose of fixing and awarding a price or sum at which the said C. D. should have the privilege of purchasing the fee-simple of his farm of                      acres of land, situate on said township number                      owned by the said A. B., and held under lease by the said C. D. for the term of forty years and upwards; and whereas the said arbitrators have not been able to agree to an award in the premises, and have appointed me their umpire in the matters so referred the same as aforesaid, and have referred the same to the judgment and final determination of me the said (umpire's name) accordingly. Now know ye, that I the said (umpire's name) having taken upon me the burthen of the said umpirage, and having heard and duly weighed the allegations of both the said arbitrators concerning the matter or difference between them, and having viewed and examined the said farm or land, so held by him the said C. D. as aforesaid, do by these presents, in writing under my hand award, adjudge and determine that the said C. D., his executors, administrators or assigns, shall have the right or privilege of purchasing the fee-simple of his said farm of                      acres of land so held by him under lease as aforesaid, from the said A. B., at the price or sum of                      pounds of lawful current money of Prince Edward Island.

Witness my hand this                      day of                      , A. D. 186 .

S. T.

## SCHEDULE (D.)

To S. T., of

Take notice that we, the undersigned, who were appointed arbitrators to decide and award the price or sum at which C. D., of township, number , farmer, should have the privilege of purchasing the fee-simple of his farm of acres of land situate on the aforesaid township, and held by him of A. B., of , owner or proprietor of said township, under lease for forty years and upwards, not being able to agree to an award in the premises, have appointed you our umpire, and hereby refer to your judgment and final determination the matter or question submitted to us as aforesaid for our decision.

Witness our hands, this day of A. D. 186 .

G. H.  
J. K.

Charlottetown, Prince Edward Island,  
19 June 1862.

(A true copy, which I certify.)

Frederick Brecken,  
Attorney General

Enclosure 3, in No. 20.

Encl. 3, in No. 20.

## CAP. IV.

“AN ACT to give effect to the Report of the Commissioners on the Land Question.”

THIS Act was introduced and carried through the Legislature by the Government in order to confirm by Statute the award of the Royal Commissioners on the Land Question in all its parts, without any variation or alteration, and contains a suspending clause.

## CAP. XII.

“AN ACT to facilitate the operation in certain particulars of the Award or Report made by certain Commissioners to settle and adjust Differences respecting some of the Township Lands in this Colony.”

THIS Act was passed through the Legislature as a Government measure, for the purpose of facilitating the working of the Arbitration Clause in the Award of the Royal Commissioners on the Land Question.

The Act provides that, in case a tenant or lessee cannot agree with his landlord as to the amount of the price to be paid for the purchase of the fee-simple of the farm or land held by him, and the tenant has offered a lesser sum than the landlord demands, which the landlord has refused to accept, such tenant shall have the right to demand an arbitration to be holden for the purpose of fixing a price or sum at which he may purchase the fee-simple of his farm.

The first clause of the Act sets forth the mode in which the arbitrators are to be selected by the respective parties.

The second section provides the mode of conducting the arbitration, and the form and effect of the award.

The third section provides that if the two arbitrators cannot agree upon the price or sum at which the tenant shall have the privilege of purchasing the fee-simple of his farm, and have not mutually agreed upon the choice of an umpire, it shall be the duty of such arbitrators thereupon forthwith to attend at the residence of a justice of the peace residing in the vicinity of the farm or land in question, and shall then and there proceed to appoint an umpire, who shall be chosen in the mode set forth in the said section, and in the 4th, 5th, 6th, and 7th sections.

The eighth section declares that if the landlord neglects or refuses to appoint an arbitrator the tenant shall be entitled to receive an absolute conveyance of his land or farm upon his tendering to his landlord or his agent the price or sum first offered by the tenant for the same.

The ninth section declares that an agent, resident in this island, holding a power of attorney from any proprietor, authorising him to collect or receive rents in this island, shall be competent to appoint an arbitrator for such proprietor, and to act as effectually as if the proprietor himself were present.

The tenth section sets forth the time and manner in which a proprietor shall lay off the 1,500 acres he is entitled to reserve from the operation of the award.

The eleventh clause suspends the operation of the Act until Her Majesty's pleasure therein shall be known.

Frederick Brecken, Attorney General,  
Prince Edward Island.



— No. 21. —

(No. 46.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace the Duke of *Newcastle*, K.G.

No. 21.  
Lieut. Governor  
*Dundas* to the Duke  
of *Newcastle*, K. G.  
25 June 1862.

Government House, Prince Edward Island,  
25 June 1862.

My Lord Duke,

(Answered, No. 120, 9 August 1862, page 66.)

MR. ROBERT POORE HAYTHORNE has placed in my hands, for transmission to your Grace, a memorial or petition against an Act of the Local Legislature passed last Session, intituled, "An Act to facilitate the operation, in certain particulars, of the Award or Report made by certain Commissioners to settle and adjust differences respecting some of the Township Lands of this Colony."

2. I have now the honour to enclose Mr. Haythorne's Memorial.

3. Mr. Haythorne is not a consenting party to the Commission, but he fears that his property will sustain injury, should the above-named Act, to which a suspending clause is attached, receive Her Majesty's assent.

I have, &amp;c.

(signed) *George Dundas*,  
Lieutenant Governor.

Enclosure in No. 21.

Encl. in No. 21.

THE Memorial of *Robert Poore Haythorne*, Esquire, of Marshfield, in Queen's County, Prince Edward Island, to his Grace the Duke of *Newcastle*, Her Majesty's Principal Secretary of State for the Colonies,

Humbly Showeth,

THAT your Grace's memorialist has resided upwards of 20 years in this Colony, and is the proprietor of certain township lands, the whole of which are let on leases for 999 years, the rents reserved being 1s. sterling per acre per annum on 1,800 acres, and 1s. 6d. (one shilling and sixpence) currency per acre per annum on 3,500 acres, or thereabouts, with some unimportant exceptions with which it is unnecessary to trouble your Grace.

That your memorialist believes that the value of his property will be greatly deteriorated, the income thereof diminished, or rendered precarious, if a certain Bill passed by the Legislature of this island during the recent Session, entitled "An Act to facilitate the Operation of the Report or Award of certain Commissioners to settle and adjust Differences respecting some of the Township Lands of this Colony," should become law and go into operation.

Your memorialist begs leave respectfully to set forth for your Grace's consideration, the following reasons for advising Her Majesty to withhold the Royal assent from the before-mentioned Bill.

And, first, your memorialist desires to disclaim any intention of retarding or obstructing the settlement of the long-vexed land question, which has been the prolific source of so much disquietude and annoyance. On the contrary, your memorialist has evinced his desire to promote a just and equitable settlement of these unhappy differences, having appeared as a witness before the court of Her Majesty's Commissioners, and there declared his willingness to abide by their decision, or to accept a sum of money for his estate, which would have been equal to 15s. currency per acre, that is 10 years' purchase on the 3,500 acres let at 1s. 6d. currency per acre, and to 15 years' purchase, or thereabouts, on the 1,800 acres let at 1s. sterling; stipulating only for prompt payment in Government securities, bearing six per cent. interest, which would have produced an income about equal to that your memorialist now receives from his estate. Your memorialist has since met his tenants by appointment, and formally renewed the same offers, which however have not been accepted, perhaps from a fear on the part of some of the tenants that the expenses of management, and the necessity of punctual payments, if the Government stood in the position now occupied by your memorialist, would render their position little if at all more desirable than it is at present. These facts are thus respectfully set forth to prove that your Grace's memorialist is not actuated by factious or obstructive motives.

Up to the present time your memorialist has been unable to obtain a copy of the Bill in question, only an abstract thereof having hitherto appeared in the public papers; but from that abstract he learns that the Bill contains a provision that if, at the expiration of a certain period therein mentioned, "two arbitrators, one appointed by the landlord or his agent, and the other by the tenant (desiring to purchase), shall not have agreed upon the price at which the said tenant shall have the right to purchase the fee simple of his farm, and if they shall not have agreed on the choice of an umpire, the said two arbitrators shall then attend at the residence of a justice of the peace, and proceed to the appointment of an umpire in manner following:—Each of the said arbitrators shall proceed to name alternately six persons who shall be freeholders resident on the township lands of the county wherein such tenant's farm is situated (but who shall not have any tenants under them), and from the names of the twelve persons so to be chosen, the said landlord or his agent and the said tenants shall each proceed to strike off four, and each of the four remaining names shall be placed on a separate slip of paper, folded up and placed in a ballot box, and the first name drawn therefrom by the said justice of the peace shall be the umpire."

Further provision is made for the repetition of this process in case the party first appointed refuses to serve, and for other purposes which are unimportant if the principle above set forth is negatived.

Your memorialist objects to these provisions, inasmuch as the class of freeholders differs little in education or intelligence from the tenants amongst whom they dwell, and with whom they are connected by ties of consanguinity, of marriage, and of neighbourhood, and are thus identified with the cause of the tenants in a manner which, without casting any imputation on their integrity, must, your memorialist believes, completely disqualify them from forming an impartial decision in cases where a landlord's interests are concerned. Your memorialist also believes he would experience insuperable difficulties in finding amongst the class of freeholders a sufficient number of persons holding his own views, and disposed to support his interests, to be put in nomination as umpires; and even if such could be found, the price of farms would still in most cases be decided, not on the basis supplied by Her Majesty's Commissioners (with such reasonable exceptions as would appear on inquiry), but on the mere chance whether the umpire should be friendly to the landlord's interests, or the reverse, an anomaly which your memorialist believes is yet without precedent in British legislation. Your memorialist fears that if the Bill in question becomes law, that arbitrations will be called for in most cases, as the tenants will not be slow to perceive the great advantage they will possess in the appointment of umpires from amongst their friends and neighbours; the proprietors' field of choice being further narrowed by that provision of the Bill which precludes them from selecting any freeholder having tenants under him. The remedy provided by the Commissioners, and intended to meet exceptional cases only, and which would (your memorialist believes) be found to answer that purpose when the parties concerned were acting in good faith, would thus become of universal application, plunging the country into endless disputes, and embarrassing the proprietors in a manner they have not deserved, their honest endeavours to effect a settlement of the land question being taken into consideration.

Your memorialist also desires to draw your Grace's attention to a provision of the Bill enabling those proprietors only to retain particular lands to the extent of 1,500 acres who have submitted themselves to the award. He has been told that not being a consenting party to the award (that is, he supposes), his name not having appeared in the same list with the Cunards, the Montgomerys, and other large proprietors, he is not entitled to the benefit of that provision; a proposition certainly not borne out by your Grace's Despatch, which, while admitting the insufficiency of the award to bind non-consenting proprietors, tells them, at the same time, they need expect no support or countenance from the Home Government on any future dispute with their tenants. The power to retain 1,500 acres is a valuable boon to small proprietors, and would to a certain extent secure them from destitution, a not improbable event perhaps in some cases, if the best portions of their estates were taken under arbitrations conducted on the principles laid down in this Bill, leaving them a residue which possibly might do little more than pay the expenses of collection.

Your memorialist, for the reasons thus respectfully and, he trusts, candidly set forth, trusts your Grace will be induced to advise Her Majesty to withhold Her Royal assent from this measure, and your memorialist will ever pray the Almighty to prosper your Grace's efforts to effect a settlement of the land question in this Island on just and equitable principles.

Marshfield, near Charlotte Town,  
Prince Edward Island,  
9 May 1862.



— No. 22. —

(No. 52.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to his Grace the Duke of *Newcastle*, K.G.

Government House, Prince Edward Island,  
23 July 1862.

My Lord Duke,

(Answered, No. 120, 9 August 1862, page 66.)

I HAVE the honour to enclose a Minute of the Executive Council, to which I referred in my Despatch, No. 45,\* of date 25th June 1862.

2. This Minute has reference to two Bills passed by the local Legislature on the subject of the award of the Land Commissioners.

I have, &amp;c.

(signed) *George Dundas*,  
Lieutenant Governor.

No. 22.

Lieut. Governor  
*Dundas* to the Duke  
of *Newcastle*, K.G.  
23 July 1862.

\* Page 24.

Enclosure in No. 22.

Encl. in No. 22.

THE Board having taken into consideration the proposed Bill, intituled "A Bill for settling Differences between Landlord and Tenant, and to enable Tenants on certain Townships to Purchase the Reversion of their Farms," submitted by Sir Samuel Cunard, in behalf of himself and certain other proprietors of lands in this island, and transmitted to his Excellency the Lieutenant Governor in a Despatch from his Grace the Duke of Newcastle, bearing date the 5th day of April 1862, have to report that they cannot consistently recommend his Excellency to hold out any expectations by which Sir Samuel Cunard and his associate proprietors, or his Grace the Duke of Newcastle might be induced to believe that the Legislature of this Colony would sanction any measure respecting the land question reported upon by the Land Commissioners, which might differ essentially from the principles embodied in their report.

The House of Assembly, at its last Session, deeming the faith of Her Majesty's Government pledged to this Colony, to maintain and carry out the award of the Commissioners, in its true meaning and spirit, have, by an overwhelming majority, passed a Bill for its confirmation. The Legislature at the same time passed a Bill to facilitate the execution of the award in that part which provides for ascertaining, by the medium of an arbitration, the price of land, in cases where the proprietor and tenant cannot mutually agree between themselves, a provision of this nature appearing indispensable to give full effect to the method of valuation in this respect awarded by the Commissioners.

In the Bill proposed by Sir Samuel Cunard, above referred to, it is recited that the said Commissioners "exceeded the authority intended to be given to them by the Assembly and the said proprietors."

This assumption on the part of the proprietors appears to be founded upon rules of construction merely applicable to instruments of a certain and well-defined legal character, but which rules would appear to be totally inapplicable to a report or adjudication proceeding from a Commission acting under the extraordinary powers conferred upon the Land Commissioners. These powers were never intended to be restrained or limited by any formal or arbitrary legal rules.

By reference to the words of the Commission, it will appear that the Commissioners were empowered to inquire into the existing differences between landowners and tenants, and to adjust "the same on fair and equitable principles." From the language here employed the powers conferred upon the Commissioners were of an unlimited description, and, in the opinion of the Board, amply sufficient to enable them to define any mode of settlement, even one of a purely equitable character. The Board know of no more equitable principle than that of an impartial valuation of each tenant's farm.

For the Commissioners to have attempted this by their own personal labours would have been a work of almost endless duration and incalculable expense. Having then established clearly the principle of valuation, they found that the object could be accomplished in a shorter time, and at much less expense, by the intervention of valuers; in whose judgment, also, more confidence would likely be reposed, from the circumstance of their being judges chosen by the parties themselves. In order that this, the principal element in the award, might not in any instance be rendered ineffective by the obstinacy of either party in the issue refusing to nominate an arbitrator, the Legislature provided a means as simple and just as could be devised, by which the intentions of the Commissioners might be carried out.

These enactments on the part of the local Legislature, it will be observed, do not in any manner vary or trench upon the principles of the award; and they have been passed, not only for the purpose of carrying out the provisions of the award in fuller detail, but as being essentially necessary in view of the Despatch of his Grace the Duke of Newcastle to his Excellency the Lieutenant Governor, of the date of the 21st March 1860.

By a passage contained in the Despatch of the Duke of Newcastle to his Excellency the Lieutenant Governor, dated the 7th February 1862, his Grace appears to apprehend

that the arbitration system prescribed by the Commissioners would necessitate a multiplicity of separate land arbitrations, which, in the estimation of his Grace, would constitute insuperable objections against this mode of adjustment. The Board, however, see no reason to apprehend that in the practical working of the measure many of these arbitrations would be called for; on the contrary, they are of opinion that, should arbitrations be resorted to, two or three cases on a township would have the effect of establishing a price or prices that would become the respective standards of value on that township.

The Board feel impelled to express their hope that his Grace the Duke of Newcastle, in considering the Bills which have been passed by the Legislature of this Colony for the purpose of giving effect to the award of the Commissioners, will bear in mind that the differences which the Commissioners were appointed to finally determine have, for upwards of a half century, exercised a most baneful influence upon this Colony, and that the people generally hailed with much satisfaction the prospect of having these differences adjusted by a mode to be pointed out by the very talented Commissioners to whom they were referred; and that should anything occur to prevent such adjustment, and the confirmation of their unanimous, able, and impartial report, to which the Legislature by these Bills seek to give effect, the consequences will be of a very serious nature and result in causing much anxiety to Her Majesty's Ministers, and also to those to whom may be entrusted the government of the Colony.

## — No. 23. —

(No. 61.)

No. 24.  
Lieut. Governor  
Dundas to the Duke  
of Newcastle, K.G.  
3 September 1862.

COPY of a DESPATCH from Lieutenant Governor *Dundas* to his Grace the Duke of *Newcastle*, K.G.

Government House, Prince Edward Island,  
3 September 1862.

My Lord Duke,

\* Page 66.

I HAVE the honour to acknowledge your Grace's Despatch, No. 120,\* of 9th August 1862, informing me that you are unable to advise Her Majesty to give Her assent to two Acts of the local Legislature, passed during last Session on the subject of the award of the Land Commissioners.

2. Immediately on the arrival of this Despatch, I communicated it to the Leader of my Government; and, at a meeting of the Executive Council on the 2d instant, it was laid before the other Members of the Government. It will be published in the "Gazette" of this day's date.

3. I am not yet able to inform your Grace what course my Government will pursue respecting the Bill forwarded by Sir Samuel Cunard's request.

I have, &c.  
(signed) *George Dundas*,  
Lieutenant Governor.

## — No. 24. —

(No. 65.)

No. 26.  
Lieut. Governor  
Dundas to the Duke  
of Newcastle, K.G.  
17 September 1862.

COPY of a DESPATCH from Lieutenant Governor *Dundas* to his Grace the Duke of *Newcastle*, K.G.

Government House, Prince Edward Island,  
17 September 1862.

My Lord Duke,

\* Page 66.

IN compliance with the instructions conveyed to me in your Grace's Despatch No. 120,\* 9th August 1862, I immediately brought under the reconsideration of my Government the proposal of Sir Samuel Cunard, embodied in the Draft Bill transmitted to me by your Grace.

2. I have now the honour to enclose copy of the Minute of Council, in which my Government express their opinion on this subject.

3. Your Grace will observe that my Responsible Advisers do not regard the terms offered by the proprietors as sufficiently favourable to the tenantry to justify their acceptance of them.

I have, &c.  
(signed) *George Dundas*,  
Lieutenant Governor.



## Enclosure in No. 24.

EXTRACT from Minutes of the Executive Council.

Encl. in No. 24.

Council Chamber, 16 September 1862.

At a meeting of Council.—Present:

His Excellency the Lieutenant Governor,

The Honourable Mr. Palmer,

,, Mr. Gray,

,, Mr. Longworth,

The Honourable Mr. Laird,

,, Mr. Pope,

,, Mr. Simpson,

His Excellency directed the attention of the Board to a paragraph in the Despatch of his Grace the Duke of Newcastle, No. 120, of date 9th August 1862, in which his Grace desires the Lieutenant Governor to bring under the reconsideration of the Government the proposal made by Sir Samuel Cunard, embodied in a Draft Bill previously transmitted by his Grace to the Lieutenant Governor, at Sir Samuel's request.

The Board, having maturely reconsidered the same, are clearly of opinion that the said Bill is not sufficiently favourable in its provisions to the tenantry to warrant the Board in recommending its adoption.

A true extract, which I certify,

(signed) *Charles Desbrisay,*

Assistant Clerk to Council.

## — No. 25. —

(No. 66.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace the Duke of *Newcastle*, K. G.

No. 25.

Lieut. Governor  
Dundas to the Duke  
of Newcastle, K. G.  
17 Sept. 1862.

Government House, Prince Edward Island,

17 September 1862.

My Lord Duke,

I HAVE received from the Commissioners, Messrs. Gray, Howe, and Ritchie, communications expressing their several opinions on Sir Samuel Cunard's Draft Bill, copies of which I had sent for their perusal.

2. As these opinions may interest your Grace, I transmit herewith extracts from their letters on the subject. These are marked respectively 1, 2, and 3.

3. For convenience of reference, I enclose also a copy, in a printed form, of Sir Samuel Cunard's Draft Bill, marked 4. and, for the same purpose, extracts from the Appendix to the Commissioners' Report, which have been printed from time to time in the "Islander" newspaper, marked 5.\*

4. A copy of this Appendix\* was supplied by the Commissioners, at the request of my Government. \* Not printed.

I have, &amp;c.

(signed) *George Dundas,*  
Lieutenant Governor.

## Enclosure 1, in No. 25.

OPINION of *John Hamilton Gray*, Esq. on Sir *Samuel Cunard's* Draft Bill.

Encl. 1, in No. 25.

IN some respects the proposed Bill is better for all parties; in other respects better for a particular class of the tenantry; in others again it is worse for a large number, but as a whole, it is far more injurious to the proprietors themselves. Such a proposition might emanate from them; it could not with impartiality come from us. Such a scheme, substantially the same, was discussed by us, and rejected upon the very ground of the injustice it would do to the proprietors, and also that it would be unavailing to relieve a large body of the tenantry. The sole advantage it possesses over the award is that of finality. The best and the worst is known at once; it is unjust towards the proprietors.

1st. Because the best farms will be immediately taken at 15 years' purchase, and the worst, with all the wild lands, expenses of management, collection, and taxes, be left on their hands.

2dly. Because a large portion of the farms are well worth the 20 years' purchase, and in such instances the proprietors are losing 25 per cent. of their capital, without any corresponding return in benefit to the rest of the estate.

3dly. It makes no distinction between good and bad estates. Practically there would be no difference between the landlord who has managed well and made his estate valuable, in fact self-sustaining, and one who has not. The former carries the latter on his back.

4thly. The value of location is entirely overlooked.

5thly. It makes no exception in favour of the small proprietor. It was before the Commissioners that there were many such in the Island, to the extent of 1,000 or 1,500 acres, whose dependence was entirely upon the rent roll from their small holdings. These parties having but small estates, managed them well, were personally on the spot, and were not open to any of the objections urged against the absent and larger proprietors. To take from such parties at 15 years' purchase would be unjust. The reinvestment after loss of 25 per cent. might not only be difficult, but entail ruinous loss. It is true they are not named in the schedule, but they must be affected by the Bill.

6thly. In the first section there is no limitation as to the quantity of land held by the tenant; I presume it intended to apply to 100 acre holdings, but it is not sufficiently comprehensive to take in smaller holdings, such, for instance, as at Caseumpec, where a man may have rented a small piece of ground for fishing purposes, at a rent entirely inadequate to the value of that holding, in case of a town or trading village centring round that spot. Such leases may be for short periods, 25 or 30 years, and yet have an unexpired term of 21 years (see 5th Section); the value of the holding from the increasing trade of the place may be worth a great deal more than 15 years' purchase. The award enabled the proprietors to reserve such lands to the extent of 1,500 acres. It might be as well to call the attention of Sir Samuel Cunard to this point. If the non-exception in the Draft Bill is intentional, no harm is done; if it is not, the omission may be rectified.

7thly. The 8th Section is a very proper one, but I think it might go a little further. It should be shown, if possible, that the Bill was intended only to meet the present emergency. The tenant should have the right *but once* of exercising his choice; he is not to make his election, then break off, and then claim it again.

Inasmuch as on the above points the Bill is prejudicial to the proprietors, it may be said to be to such extent favourable to the tenantry. Its finality is to some extent a recommendation; the right of purchase is conceded: that of itself is a great boon. To those whose farms are worth more than the 15 years' purchase it is unnecessarily liberal; but it is unfavourable, first to the large class whose farms are not worth the 15 years' purchase; for them it makes no provision. In their case also the payment of the cash down is an additional difficulty. Secondly, the latter part of the 5th Section is also unfavourable, and will exclude a large number. Justice to the proprietor certainly requires that the buildings, &c., if his should be paid for, in addition to the 15 years' purchase, unless the rent at the time of making the lease was based on them as well as on the land, they being at the time the proprietor's property. In such case, if the principle of the Bill is to be carried out, the exception should not be there. There must be many cases where the lands have fallen into the proprietor with buildings, &c., thereon, and have been subsequently relet.

In reality the only parties to whom the proposed Bill is more favourable than the award are just the parties who ought not to be so benefited.

The arbitration clause in the award, notwithstanding the reception it has met with, is the fairest after all. The arbitration we contemplated was to be conducted according to the broad English practice, the fairest play on both sides, when the whole proceedings could be reviewed in the courts of justice, and where collusion, partiality, falsehood, or fraud, would have vitiated any outrageous decision, and entailed punishment on the guilty party.

However, the Commissioners have never been called upon to defend their award; my observations are therefore unnecessary; but I do not admit the Commissioners exceeded their power; they acted within the spirit and letter of their commission.

Upon the whole, I do not think the proposed Bill will extend even-handed justice, or quiet the agitation as certainly or as quickly as the award would have done.

St. John, 11 August 1862.

(signed) *J. Hamilton Gray.*

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Enclosure 2, in No. 25.

Encl. 2, in No. 25.

OPINION of *Joseph Howe, Esq.*, on Sir *Samuel Cunard's* Draft Bill.

I THINK the Proprietors' Draft Bill very much less equitable than our award, because good and bad lands are to be parted for at one price; but if the tenants prefer it, and the Legislature are content to make it law, we have no right to complain.

Halifax, 6 August 1862.

(signed) *Joseph Howe.*

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Enclosure 3, in No. 25.

Encl. 3, in No. 25.

OPINION of *J. W. Ritchie, Esq.*, on Sir *Samuel Cunard's* Draft Bill.

It appears to me that the terms offered by the proprietors in their Draft Bill are highly favourable to the lessees of such of the farms as are intrinsically worth anything like what the rent reserved would indicate, and the members of the late Commission would not have felt justified, without the consent of the proprietors, in affording to that class of tenants the privilege of purchasing so much below the actual value of their reversionary interest in the lands; and I shall be a good deal surprised if every tenant who has the means, and whose



whose land is worth the money, does not take the same view of the Bill, and show his appreciation of the right conferred by purchasing under it.

But though this will be the case with the better class of tenants, I fear the larger class will derive no benefit from it, for while the landlords will sell their best lands below their value, I cannot see that the Bill holds out any prospect of relieving the Island of the present tenure of land which is deemed so objectionable; on the contrary, it seems rather calculated to perpetuate it; for if the tenants should be unable to purchase at the lower rate within the first, there seems little hope that they will be able to do so at the higher rates, at the later periods; and anyone at all conversant with the state of the Island must know that there are large tracts of poor land, and large portions so exhausted by bad farming as to be all but valueless, and these, of course, are tenanted by indigent people, and yet the same rent is reserved on them as on the best farms. For the landlords to expect 15 years' purchase for these lands is out of the question, nor would they have any better prospect of getting such a price if they were to eject the present tenants and sell the freehold to strangers.

The main difficulty, therefore, does not seem to me to be met by the Bill, and it was only because the Commissioners could see no other way to meet it that they resorted to arbitration, the objections to which they fully appreciated; but after giving the subject the deepest consideration they could see no other course open, and since then neither the advocates of the proprietors nor of the tenants appear to have been able to suggest one.

I have, &c.

Halifax, 4 August 1862.

(signed) J. W. Ritchie.

— No. 26. —

(No. 34.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace the Duke of Newcastle, K.G.

Government House, Prince Edward Island,  
9 April 1863.

No. 26.

Lieut. Governor  
Dundas to the  
Duke of New-  
castle, K. G.  
9 April 1863.

My Lord Duke,

(Answered, No. 24, 11 July 1863, page 67.)

I HAVE been requested by the Legislative Council and House of Assembly to transmit, with my "favourable recommendation," an Address which has been passed by those bodies to Her Majesty on the Land Question.

2. This Address I have accordingly the honour herewith to transmit.

3. Its prayer is that Her Majesty's assent may be given to an Act, passed during the Session of 1862, to confirm the award of the Land Commissioners, unless the proprietors to be affected by that award prove its illegality before a Judicial Tribunal.

4. The argument on which the Legislature grounds its appeal, are therein fully expressed.

I have, &c.

(signed) George Dundas,  
Lieutenant Governor.

Enclosure in No. 26.

ADDRESS to the Queen's Most Excellent Majesty on the subject of the Land Commission. Encl. in No. 26.  
House of Assembly, 16 March 1863.

Most Gracious Sovereign,

WE, your Majesty's loyal and devoted subjects, the Legislative Council and House of Assembly of Prince Edward Island, in Parliament assembled, beg leave to approach your Majesty and most humbly to submit to your Royal consideration, that in the year 1859, the House of Assembly of Prince Edward Island submitted to your Majesty an humble address, in which it was represented that—

"In certain Despatches from one of your Majesty's Ministers, the Right Honourable Sir Edward Bulwer Lytton, Baronet, Secretary of State for the Colonies, dated Downing-street, 20th October and 3d December 1858, the Right Honourable Baronet therein states that the whole question of the land tenures in this Island is engaging his most anxious attention, and that it would give him unfeigned pleasure to receive such suggestions for their amicable settlement as could be accepted by your Majesty's Government.

"Having taken these Despatches into consideration, after mature deliberation, and with an earnest design to terminate the disputes which have so long disturbed the peace and harmony of the Colony, the House have adopted the following resolutions:—

"Whereas certain questions arising out of the original grants of the lands in this Island, severally called the escheat question, the fishery reserve question, and the quit-

rent question, have for many years caused much discussion and difference of opinion amongst the people of this Island, and many delusive projects and impracticable measures have been and are from time to time enunciated respecting such questions, whereby the tenantry have been and are greatly imposed upon and induced to support the propounders of such measures, under the delusive hope that by doing so they will be relieved of the payment of rent; and the attention both of the people and Legislature being occupied with such deceptive schemes, measures intended to develop the resources of the Colony are not only neglected, but a state of society equally opposed to the moral, social, and political welfare of the people and their true interests, is produced: And whereas various Despatches have for a great number of years declared that Her Majesty's Government will not consent to any compulsory interference with the lands and rights of the proprietors, and which has been strongly reiterated in the Despatch of Sir Edward Bulwer Lytton, now Her Majesty's Principal Secretary of State for the Colonies, dated 20th October 1858, and 3d December 1858, from which it is clear that any measures for the benefit of the tenantry must result from an amicable arrangement with the proprietors: And whereas the agitation of hostile measures, such as escheat, fishery reserves, and quit-rents, must not only result, as they always have done, in leading the tenantry into costs and trouble, without in any way ameliorating their condition, but will also engender a feeling in the proprietors, rendering them disinclined to listen to proposals, which, if such agitation were at an end, they would be likely to entertain: And whereas Sir Edward Bulwer Lytton in his Despatches above referred to, while refusing to sanction measures which in England are considered inconsistent with the rights of property, has expressed the readiness of Her Majesty's Government to co-operate with the Legislature in furthering measures for the settlement of the land tenures, if conceived in a spirit of fairness and conciliation to all parties;

"Therefore *resolved*, 1st, That an humble address be presented to Her Majesty, praying that Her Majesty will be pleased to direct a Commission to some discreet and impartial person, not connected with the Island, or its affairs, to inquire into the existing relations between landlord and tenant, and to negotiate with the proprietors for such abatement of present liabilities, and for such terms for enabling the tenantry to convert their leaseholds into freeholds, as, without infringing on the rights of the landlords, may be fairly and reasonably asked for, to ameliorate the condition of the tenantry.

"2d. *Resolved*, That, in the opinion of this House, the basis of any such arrangement should be a large remission of arrears of rents now due; and secondly, the giving every tenant holding under a long lease an option of purchasing his land at a certain rate, at any time he might find it convenient to do so.

"3d. *Resolved*, That a remission of arrears of rent may be reasonably asked, inasmuch as the existence of these arrears, although it is due partly to an unwillingness of the tenants to pay rent, under the idea that escheat or some other delusive scheme would enable them to evade; yet it is also due in part to the laches and remissness of the landlords and their agents in not enforcing it, and because in many cases the arrears, however incurred, amount to so large a sum that the exacting them would prove ruinous to a large number of loyal and industrious people, and would further entirely put it out of their power to avail themselves of the plan suggested in subsequent resolutions for purchasing their farms.

"4th. *Resolved*, That, as the circumstances of the tenantry would not in general enable them to pay down any large portion of the purchase money, the best and only means for converting the tenures into freeholds lies in the adoption of the plan which would practically constitute every farm a savings bank for its owner, in which he could from time to time invest his savings at interest towards the purchase of his farm; an arrangement which could be effected by the following means, viz.: that the landlords should agree to permit the tenants to purchase their farms for such sum per acre as shall be fixed upon; and, providing further, that when any tenant (whose rent was paid up) should be desirous of paying any sum, not being less than 10 L., towards the purchase of his land, he should have the option of doing so, and that the interest on the 10 L., or other amount so paid, should thenceforth go in reduction of his yearly rent, and so on for every payment on account of purchase until the whole was paid, when he should receive his deed; and that similar covenants should be inserted in all future leases for terms over 40 years; such an arrangement would not only give the tenant the advantage of paying an instalment of his purchase money, and at the same time reducing his rent whenever he chose, without subjecting himself to the vexation and costs incident to cases of inability to meet instalments agreed to be paid at a particular day, but would, in the opinion of this House, gradually, but certainly, change the tenures into freeholds, without the aid of loans, and the expensive subsistence of public offices, by which heavy liabilities have already been and would, if persevered in to a much greater extent, be imposed on the public finances.

"We do therefore humbly pray, that your Majesty will be pleased to take the foregoing matters into your Royal consideration, and to appoint some fit and proper person or persons, Commissioner or Commissioners, to inquire into the relations of landlord and tenant in this Island and negotiate with the proprietors of township lands for the fixing some certain rate of price at which every tenant may at any time have the option of purchasing his land, or of paying instalments of such purchase, and thereby gradually reducing the yearly rent until the whole price thereof is paid; and also to negotiate with the proprietors for a remission of the arrears of rent in such cases, and on such townships as  
the



the said Commissioner or Commissioners, from the circumstance of the tenantry or otherwise, may deem reasonable and expedient; and also to make such report respecting the Fishery Reserve question, and other questions relating to the township lands of this Island, as we confidently hope will effect a final settlement thereof, and prevent all agitation regarding the same in future.

(signed) "Donald Montgomery,  
"House of Assembly, Prince Edward Island,  
"9 May 1859." "Speaker."

That subsequently to the transmission of this address to your Majesty's Principal Secretary of State for the Colonies, the following correspondence took place, and was duly transmitted by his Grace the Duke of Newcastle to the Lieutenant Governor of this Island:—

(No. 11.)

"Sir,

"Downing-street, 6 September 1859.

"I have to acknowledge Sir D. Daly's Despatch, No. 29, of the 13th May last, addressed to Sir E. B. Lytton, transmitting an address to Her Majesty from the House of Assembly, in pursuance of certain resolutions of the House, praying that Her Majesty would direct a Commission to inquire into the existing relations of landlord and tenant in the Island, with a view to the passing of remedial measures. The House of Assembly also propose that this Commission should direct its attention to the Fishery Reserve question.

"The resignation of Her Majesty's late Government has prevented an earlier answer to your Despatch.

"The Assembly, in their address, not only pray for the appointment of a Commission, but they likewise indicate, in detail, the measures which, in their opinion, should form the basis of that arrangement between landlord and tenant which the Commission should endeavour to bring about. Now, without expressing any opinion adverse to the appointment of such a Commission, I am convinced that any prospect of a beneficial result from its labours would be nullified if its action were fettered by such conditions as the Assembly would thus impose.

"I cannot advise Her Majesty to entertain the question, unless it is fully understood that the Commission are at liberty to propose any measure which they may themselves deem desirable.

"I have communicated this correspondence to Sir S. Cunard, as representing the landowners in this country, with a letter, of which I enclose a copy.

"I have, &c.  
(signed) "Newcastle."

"Sir,

"Downing-street, 6 September 1859.

"I AM directed by the Duke of Newcastle to transmit to you a copy of a correspondence between the Government of Prince Edward Island and this Department, upon the subject of the appointment of a Commission to propose measures of arrangement between landlords and tenants in Prince Edward Island.

"With reference to this communication, I am to suggest that you will call a private meeting of such landowners as may be in this country, and ascertain whether there are any concessions which they are ready to make, with a view of bringing these questions to an amicable issue.

"Sir S. Cunard."

"I am, &c.  
(signed) "H. Merivale."

"Sir,

"Downing-street, 21 March 1860.

"WITH reference to my Despatch, No. 11, of the 6th September last, in which I informed you that I had communicated to Sir Samuel Cunard the correspondence which had taken place upon the subject of the appointment of a Commission to propose measures of arrangement between landlords and tenants in Prince Edward Island, I transmit to you the copy of a letter which has been addressed to me by Sir Samuel Cunard, and several other proprietors of land in the Island.

"The proprietors, it will be seen, do not think that the appointment of a Commission in the manner proposed by the House of Assembly, in their Address of the 9th of May last, would be the most desirable mode of proceeding, as the labours of such a Commission could only terminate in a report, the conclusions of which would not be binding on any of the parties interested. They suggest, therefore, instead, that three Commissioners, or referees, should be appointed, one by Her Majesty, one by the House of Assembly, and the third by the proprietors; and that they should be invested with power to hear and determine all the questions in dispute. It is further suggested, that the expense of the Commission should be divided equally between the Crown, the tenants, and the proprietors.

"If the consent of all the parties can be obtained to this proposal, I believe that it may offer the means of bringing these long-pending disputes to a determination. But it will be necessary, before going further into the matter, to be assured that the tenants will accept,

as binding, the decision of the Commissioners, or the majority of them; and, as far as possible, that the Legislature of the Colony would concur in any measures which might be required to give validity to that decision. It would be very desirable also that any Commissioner who might be named by the House of Assembly, on behalf of the tenants, should go into the inquiry unfettered by any conditions, such as were proposed in the Assembly last year. I have, therefore, to request that you will ascertain and report to me, whether the tenants of Prince Edward Island, or the House of Assembly on their behalf, are prepared to agree to the proposed reference.

"Lieutenant Governor Dundas."

"I have, &c.  
(signed) "Newcastle."

"Bush Hill House, Edmonton,  
13 February 1860.

"My Lord Duke,

"We have been furnished with a copy of a memorial, addressed to Her Majesty by the House of Assembly of Prince Edward Island, on the subject of the questions which have arisen in connection with the original grants of land in that Island, and the rights of proprietors in respect thereof.

"We observe that the House of Assembly have suggested that Her Majesty should appoint one or more Commissioners to inquire into the relations of landlord and tenant in the Island, and to negotiate with the proprietors of township lands for fixing a certain rate of price at which every tenant might have the option of purchasing his lands; and also to negotiate with the proprietors for a remission of the arrears of rent in such cases as the Commissioners might deem reasonable, and proposing that the Commissioners should report the result to Her Majesty.

"As large proprietors of land in this Island, we beg to state that we shall readily acquiesce in any arrangement that may be practicable, for the purpose of settling the various questions alluded to in the memorial from the House of Assembly, but we do not think that the appointment of Commissioners in the manner proposed by them would be the most desirable mode of procedure, as the labours of such Commission would only terminate in a report, which would not be binding on any of the parties interested.

"We, therefore, beg to suggest, that instead of the mode proposed by the House of Assembly, three Commissioners or referees be appointed—one to be named by Her Majesty, one by the House of Assembly, and one by the proprietors of land—and that these Commissioners should have power to enter into all the inquiries that may be necessary, and to decide upon the different questions which may be brought before them, giving, of course, to the parties interested, an opportunity of being heard.

"We should propose that the expense of the Commission should be borne by the three parties to the reference, that is to say, in equal thirds; and we feel assured that there will be no difficulty in securing the adhesion of all the landed proprietors to a settlement on this footing.

"The precise mode of carrying it into execution, if adopted, would require consideration, and upon that subject we trust that your Grace would lend your valuable assistance.

"We have, &c.

|          |                     |                          |
|----------|---------------------|--------------------------|
| (signed) | "S. Cunard.         | E. Cunard per S. Cunard. |
|          | "Graham Montgomery. | Selkirk.                 |
|          | "James Montgomery.  | Laurence Sullivan."      |

"To his Grace the

"Duke of Newcastle, &c. &c. &c."

The foregoing correspondence having been received in the Island, on the 14th April, the following resolutions were passed by the Assembly:—

"Prince Edward Island, House of Assembly,  
"Saturday, 14 April 1860.

"Resolved,—That this House deems it expedient to concur in the suggestions offered for the consideration of the House of Assembly, as set forth in the Despatch from his Grace the Duke of Newcastle, dated 'Downing-street, 21st March 1860,' on the subject of the proposed appointment of a Commission of Inquiry for the arrangement of the long-pending disputes between landlords and tenants of this Island.

"The House of Assembly therefore agree to the appointment of three Commissioners, one by Her Majesty, one by the House of Assembly, and the third by the proprietors, the expense of the Commission to be equally divided between the Imperial Government, the general revenue of the Colony, and the proprietors.

"The House of Assembly also agree on the part of the tenantry to abide by the decision of the Commissioners, or the majority of them, and to pledge themselves to concur in whatever measures may be required to give validity to that decision.

"Resolved,—That in order to carry into effect the suggestions of his Grace the Duke of Newcastle, as set forth in his Despatch to his Excellency Lieutenant Governor Dundas, of the 21st March last, for settling the long-pending questions between landlords and tenants in this Island, this House do hereby name the Honourable Joseph Howe, of Nova Scotia, as referee or arbitrator on behalf of the tenantry of this Island, to act under the Commission



Commission to be issued by Her Majesty's Government, as set forth in the Despatch referred to, the other two referees or arbitrators under the said Commission to be named, as intimated in the said Despatch, one by Her Majesty's Imperial Government, and the other by the proprietors.

(Attest.) "John McNeill,  
"Clerk of the Assembly."

That the receipt of the said resolutions was acknowledged by his Grace the Duke of Newcastle in the following Despatch:—

"(No. 23.)

"Sir,

Downing-street, 16 June 1860.

"I HAVE had under my consideration your Despatches, No. 15, of the 16th of April, and No. 22, of the 30th April. In the former Despatch you enclose a resolution, in which the Assembly agrees to the proposed appointment of Commissioners on the subject of tenures of lands, binds itself to abide by the decision of those Commissioners, or the majority of them, and pledges itself to concur in whatever measures may be required to give validity to that decision. In the second Despatch you inform me that a short Act has since passed through both Houses, giving effect to the foregoing resolution.

"I cannot do otherwise than express my sense of the promptitude and completeness with which the House of Assembly has thus given its support to the plan devised, in the hope of putting an end to the differences which have prevailed in Prince Edward Island.

"In Mr. Howe the Assembly, acting on behalf of the tenantry, have selected a Commissioner whose known ability and prominent public position must well qualify him for the proposed inquiry.

"From Sir Samuel Cunard I have received a letter, of which a copy is enclosed, naming, as the Commissioner selected by the proprietors, Mr. John William Ritchie, of Halifax, who, I doubt not, will honourably discharge his functions.

"I have written, in exercise of the choice belonging to Her Majesty's Government, to request Mr. John Hamilton Gray, of New Brunswick, to undertake the remaining office of Commissioner. Mr. Gray has recently conducted another public inquiry, with a degree of ability, carefulness, and justice which entitles him to the confidence of all concerned in the intended investigation.

"Although the privilege of selecting each Commissioner has been conferred on a separate authority, so as the better to ensure satisfaction with the composition of the Commission, yet it is my view, and I doubt not will be that of the Commissioners themselves, that none of them ought to be regarded as the special advocate of one interest, but rather that the whole should devote their efforts to framing such recommendations as shall be demanded by the equity of the case, and be conducive to the general good of all classes of the community. Their conclusions, whatever they may be, will possess double weight if happily they should be unanimous.

"The time of meeting in Prince Edward Island will be best determined by the Commissioners themselves, who will be able to communicate with you upon any points which they may wish to ascertain, as bearing on the subject of the most convenient period for the purpose.

"It will be desirable that previous arrangements should be made, as far as practicable, for having at hand all the witnesses and all documentary evidence which the Commission is likely to require, so that the time needed for the actual sitting in the Island may be reduced within the most moderate compass, consistent with the due and complete accomplishment of the inquiry.

"I shall take an early opportunity of forwarding to you a Commission, under the Royal Sign Manual, containing the appointment of the several gentlemen named to serve on the Commission.

"I have, &c.

"Lieutenant Governor Dundas."

(signed) "Newcastle."

That, on the 25th of June, Your Majesty was pleased to issue the following Commission:—

(L. S.) "VICTORIA R.

"Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith. To all to whom these presents shall come, greeting:

"WHEREAS, We have been moved by the Assembly of Our Island of Prince Edward to appoint Commissioners to inquire into the differences now prevailing in Our said Island, relating to the rights of landowners and tenants in Our said Island, with a view to the settlement of the same on just and equitable principles: And whereas the said Assembly has further, by a resolution dated the 14th day of April last, set forth its agreement to abide by the decision of any such Commissioners, or the majority of them, and to concur in whatever measures may be requisite for giving validity to their decision: And whereas it is highly desirable that the said differences should be adjusted:

"Now know ye, that We, taking the premises into Our Royal consideration, are graciously pleased to nominate and appoint, and do by these presents nominate and appoint,

Our trusty and well-beloved John Hamilton Gray, Esq., Our trusty and well-beloved Joseph Howe, Esq., and Our trusty and well-beloved John William Ritchie, Esq., to be Our Commissioners for inquiring into the said differences, and for adjusting the same on fair and equitable principles.

"Given at Our Court at Buckingham Palace, this 25th day of June 1860, in the 24th year of Our reign.

"By Her Majesty's Command,

(signed) "Newcastle."

That the said Commissioners duly executed Your Majesty's said Commission, and on the 18th day of July 1861 transmitted to his Grace the Duke of Newcastle their report and award. That therein the said Commissioners, among other matters, reported and awarded as follows:—

"1st. That tenants who tender 20 years' purchase to their landlords, in cash, shall be entitled to a discount of 10 per cent., and a deed conveying the fee-simple of their farms. Where the tenant prefers to pay by instalments he shall have the privilege, but the landlord shall not be bound to accept a less sum than 10*l.* at any one time; nor shall the tenant have a longer term than 10 years to liquidate the debt.

"2d. That tenants whose lands are not worth 20 years' purchase, and who therefore decline to pay that amount, may tender to their landlords what they consider the value of their farms. If the landlord declines to accept the amount offered, the value shall be adjusted by arbitration. If the sum tendered is increased by the award, the tenant shall pay the expenses; if it is not, they shall be paid by the landlord. If the sum awarded is tendered in cash, a discount of five per cent. to be allowed; if not, payment to be made by yearly instalments of not less than 10*l.*, the term of payment in no case to exceed 10 years.

"3dly. That the rent shall be reduced in proportion to the instalments paid, but no credit shall be allowed for any such instalments, until the three years' arrears allowed by this award have been paid, nor while any rent accruing after the adjustment of the value of the farm remains due.

"4thly. That proprietors who hold not more than 1,500 acres, or those who desire to retain particular lands to that extent, shall not be compelled to part with such under this award.

"5thly. That leases under a term of less than 40 years shall not be affected by this award.

"6thly. That all arrears of rent due by the tenants previous to the 1st of May 1858, be remitted."

The award having been thus duly transmitted to Your Majesty, his Grace the Duke of Newcastle forwarded a Despatch, bearing date, Downing-street, April 5th, 1862, to the Lieutenant Governor of this Island, covering a draft bill, from certain proprietors who were parties to the said Commission, as a substitute to be taken in lieu of the award; the said proprietors objecting to be bound by the decision of the Commissioners.

That the Legislature of this Island passed, during the session of 1862, two Acts, intituled respectively, "An Act to give effect to the Report of the Commissioners on the Land Question," and "An Act to facilitate the operation in certain particulars of the Award or Report made by certain Commissioners, to settle and adjust differences respecting some of the Township Lands in this Colony;" and a Minute of the Executive Council of this Island, dated 22 July, 1862, was forwarded to his Grace the Secretary of State, of which the following is a copy:

[EXTRACT from Minutes of the Executive Council.]

"Council Chamber, 22 July 1862.

"At a Meeting of Council—Present:

"His Excellency the Lieutenant Governor."

"The Hon. Mr. Palmer.

"Mr. Gray.

"Mr. Yeo.

"Mr. Haviland.

The Hon. Mr. Laird.

"Mr. Pope.

"Mr. Simpson.

"The Board having taken into consideration the proposed Bill, intituled, 'A Bill for settling differences between Landlord and Tenant, and to enable Tenants on certain Townships to purchase the Reversion of their Farms,' submitted by Sir Samuel Cunard, on behalf of himself, and certain other proprietors of lands in this Island, and transmitted to his Excellency the Lieutenant Governor, in a Despatch from his Grace the Duke of Newcastle, bearing date the 5th day of April 1862, have to report that they cannot consistently recommend his Excellency to hold out any expectations by which Sir Samuel Cunard, and his associate proprietors, or his Grace the Duke of Newcastle, might be induced to believe that the Legislature of this Colony would sanction any measure respecting the land question reported upon by the Land Commissioners, which might differ essentially from the principles embodied in their report.

"The



"The House of Assembly at its last session, deeming the faith of Her Majesty's Government pledged to this Colony to maintain and carry out the award of the Commissioners in its true meaning and spirit, have, by an overwhelming majority, passed a Bill for its confirmation. The Legislature, at the same time, passed a Bill to facilitate the execution of the award in that part which provides for ascertaining, by the medium of an arbitration, the price of land, in cases where the proprietor and tenant cannot mutually agree between themselves; a provision of this nature appearing indispensable to give full effect to the method of valuation, in this respect, awarded by the Commissioners.

"In the Bill proposed by Sir Samuel Cunard, above referred to, it is recited that the said Commissioners 'exceeded the authority intended to be given them by the Assembly and the said proprietors.' This assumption on the part of the proprietors appears to be founded upon rules of construction merely applicable to instruments of a certain and well-defined legal character, but which rules would appear to be totally inapplicable to a report or adjudication proceeding from a Commission acting under the extraordinary powers conferred upon the Land Commissioners. These powers were never intended to be restrained or limited by any formal or arbitrary legal rules. By reference to the words of the Commission it will appear that the Commissioners were empowered to inquire into the existing differences between landowners and tenants, and to adjust 'the same on fair and equitable principles.' From the language here employed, the powers conferred upon the Commissioners were of an unlimited description; and, in the opinion of the Board, amply sufficient to enable them to define any mode of settlement, even one of a purely equitable character. The Board know of no more equitable principle than that of an impartial valuation of each tenant's farm.

"For the Commissioners to have attempted this, by their own personal labours, would have been a work of almost endless duration, and incalculable expense. Having, then, established clearly the principle of valuation, they found that the object could be accomplished in shorter time, and at much less expense, by the intervention of valuers, in whose judgment, also, more confidence would likely be reposed, from the circumstance of their being judges chosen by the parties themselves. In order that this, the principal element in the award, might not in any instance be rendered ineffective by the obstinacy of either party in the issue, refusing to nominate his arbitrator, the Legislature provided a means as simple and just as could be devised, by which the intentions of the Commissioners might be carried out.

"These enactments on the part of the local Legislature, it will be observed, do not in any manner vary or trench upon the principles of the award; and they have been passed, not only for the purpose of carrying out the provisions of the award in fuller detail, but as being essentially necessary, in view of the Despatch of his Grace the Duke of Newcastle to his Excellency the Lieutenant Governor, of the date of the 21st March 1860.

"By a passage contained in the Despatch of the Duke of Newcastle to his Excellency the Lieutenant Governor, dated the 7th of February 1862, his Grace appears to apprehend that the arbitration system prescribed by the Commissioners would necessitate a multiplicity of separate local arbitrations, which, in the estimation of his Grace, would constitute insuperable objections against this mode of adjustment. The Board, however, see no reason to apprehend that in the practical working of the measure many of these arbitrations would be called for. On the contrary, they are of opinion that should arbitrations be resorted to, two or three cases on a township would have the effect of establishing a price or prices that would become the respective standards of value on that township.

"The Board feel impelled to express their hope that his Grace the Duke of Newcastle, in considering the Bills which have been passed by the Legislature of this Colony, for the purpose of giving effect to the award of the Commissioners, will bear in mind, that the differences which the Commissioners were appointed to finally determine have for upwards of half a century exercised a most baneful influence upon this Colony, and that the people generally hailed with much satisfaction the prospect of having these differences adjusted by a mode to be pointed out by the very talented Commissioners to whom they were referred, and that should anything occur to prevent such adjustment, and the confirmation of their unanimous, able, and impartial report, to which the Legislature, by these Bills, seeks to give effect, the consequences will be of a very serious nature, and result in causing much anxiety to Her Majesty's Ministers, and also to those to whom may be intrusted the government of the Colony."

"A true extract, which I certify,

*"Charles Desbrisay, C.E.C."*

That the said Bills were not submitted by Your Majesty's Secretary of State for the Colonies for your Royal allowance, for the reasons set forth in the following Despatch:—

"Sir,

Downing-street, 9 August 1862.

"I HAVE received your Despatch, No. 45, of the 25th of June, enclosing two Bills, passed with suspending clauses, by the Legislature of Prince Edward Island, intitled, 'Cap. IV., An Act to give effect to the Report of the Commissioners on the Land Question,' and 'Cap. XII. An Act to facilitate the operation in certain particulars of the Award or Report made by certain Commissioners to settle and adjust differences respecting some of the Township Lands in this Colony.'

"In forwarding these Acts you informed me, that you would shortly communicate to me a Minute of your Responsible Advisers, explaining the reason for framing these measures;

and this you have since done in your Despatch, No. 52, of the 23d of July; I am, therefore, now in a position to communicate to you the conclusion to which I have been led.

"It appears from the Minute of your Ministers, that they consider the so-called award of the Land Commissioners to be binding on the proprietors and the Legislature, and on this ground they state that they are unable to entertain Sir Samuel Cunard's proposal for enabling the tenants in Prince Edward Island to acquire freehold interest in their holdings, which was transmitted to you in my Despatch of the 5th of April last, No. 103.

"I very much regret that it is not in my power to concur in the views by which your Government have been led to prepare those Bills; or to advise Her Majesty to bring them into operation by giving Her assent to them.

"Your Advisers appear to consider that Her Majesty's Government had proposed to the proprietors of land, and that those proprietors had consented to place themselves and their interests absolutely in the hands of the Commissioners. This, however, was far from being the case.

"The proprietors consented that Commissioners should be appointed 'to enter into all the inquiries that might be necessary, and to decide upon the different questions which might be brought before them, giving, of course, to the parties interested an opportunity of being heard.'

"The main questions thus to be decided upon were, first, at what rate tenants ought to be allowed to acquire freehold interests in their property; and next, what amount of arrears of rent should be remitted by the landlords.

"On the first and most important of these questions, the Commissioners professed themselves unable to come to any conclusion, and instead of deciding it, they recommended, virtually, that it should be decided by other arbitrators, to be hereafter nominated. This, however, is not what they were charged to do; they were authorised by the proprietors to make an award themselves, but they were not authorised to transfer the duty of making that award to others. The trust confided to them was evidently a personal one. The proprietors relied on the skill, knowledge, and fairness of the three gentlemen appointed in 1860; but they could not, therefore, be called upon, in deference to these gentlemen's opinion, to confide their interests even to arbitrators specially designated in the award, much less to persons whose very mode of appointment is undetermined by it.

"This objection might, of course, be waived by the proprietors, but it is not waived, and being insisted upon, I am obliged to admit that it is conclusive; and I am bound further to say, that it is, in my opinion, an objection founded not on any technical rule of law, but on a sound and indisputable principle of justice,—the principle, namely, that a person who has voluntarily submitted his case to the decision of one man cannot, therefore, be compelled, without his consent, to transfer it to the decision of another.

"It is, therefore, impossible for me to advise Her Majesty to sanction the two Acts which you have forwarded, and which, of course, are intended to render the award obligatory on all who consented to the reference.

"I must instruct you, therefore, however unwillingly, to treat the Commissioners' award only as an expression of opinion, which, however valuable as such, cannot be made legally binding on the parties concerned; and which, therefore, ought not to be allowed to stand in the way of any other proposal which promises an amicable settlement of the question.

"It was under these circumstances, and with these impressions, that I forwarded to you the proposal made by Sir Samuel Cunard, in hopes that it might be found to furnish a basis of agreement in lieu of the recommendations of the Commissioners.

"Your Government refuse to consider this proposal, not, as I understand, because they think it in itself inadmissible, but because they consider themselves as bound to give effect to the Commissioners' award.

"This award being now out of the way, I have to request that you will bring Sir Samuel Cunard's proposal under their re-consideration. I do not think it desirable that I should myself express any opinion upon its merits. I will only observe, that it is in some respects more favourable to the tenants than the Commissioners' award; and that it will give me great pleasure to learn that it is likely to furnish a solution of these difficulties, which, so long as they are unsolved, must continue to obstruct the progress of the Colony.

"This conclusion which I have adopted respecting these Acts renders it unnecessary that I should do more than acknowledge your Despatch, No. 46, of the 25th of June, enclosing a memorial from Mr. Haythorne against the Act (cap. 12) to facilitate the operation of the award.

"I have, &c.

"Lieutenant Governor Dundas, &c. &c."

(signed) "Newcastle."

That from the foregoing Despatch of his Grace the Duke of Newcastle we conclude that the inability of his Grace to submit for Your Majesty's Royal allowance the Act of the Legislature passed to give effect to the award of the Commissioners on the land question, is grounded solely upon the objection set forth in his Grace's Despatch, as being urged against the said award by the proprietors who had agreed to be bound thereby; and also, that the said objection is one which, in the opinion of his Grace, might be waived by the said proprietors.

Under these circumstances, the Legislative Council and the House of Assembly beg respectfully to submit to Your Majesty, that in the negotiations conducted by Your Majesty's



Majesty's Secretary of State for the Colonies, and the Lieutenant Governor of this Island, respecting the Land Commission, it was expressly stipulated by his Grace the Duke of Newcastle, in his Despatch of the 6th September 1859, already referred to, that it should be "fully understood that the Commissioners are at liberty to propose any measure which they may themselves deem desirable." And that in the letter of Sir Samuel Cunard and other proprietors, addressed on the 13th February 1860 to his Grace the Duke of Newcastle, it was expressly agreed to by the said proprietors, that they would "readily acquiesce in any arrangement that may be practicable for the purpose of settling the various questions alluded to in the memorial of the House of Assembly. That, viewing these declarations in connection with the authority conferred by Your Majesty's Commission, wherein the Commissioners were empowered to inquire into the said differences, and to adjust the same on fair and equitable principles, the Legislative Council and House of Assembly most humbly conceive that no competent legal tribunal would decide that the equitable principles agreed to and determined upon by the Commissioners, as above recited, were not within the fair scope of the authority conferred upon them.

That Your Majesty's loyal subjects, the Legislative Council and House of Assembly of Prince Edward Island, most humbly submit to Your Majesty, that the award of the said Commissioners, who were appointed by warrant under the Royal sign manual and signet, was made under a reference solemnly agreed to by Your Majesty, by the proprietors, and by the House of Assembly of this Island, and that, therefore, according to the well-known legal maxim, "*Omnia præsumuntur rite et solenniter esse acta donec probetur in contrarium*," the said award should be considered to be good and valid in law.

That we do not seek by the passing of the law to compel compliance on the part of the proprietors to an award which is in itself liable to an objection founded on any principle of justice or equity; but we most humbly submit, that the question as to whether the award of the Commissioners can or cannot be made legally binding on the parties concerned, is one proper for the consideration of Your Majesty's judicial tribunals.

We therefore humbly pray, that Your Majesty will cause it to be notified to the proprietors to be affected by the said award, that unless cause to the contrary be shown before a judicial tribunal, to be provided by Your Majesty, Your Majesty's allowance will be given to a Bill to give effect to the said award of Your Majesty's Royal Commissioners.

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— No. 27. —

(No. 68.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace  
the Duke of *Newcastle*, K.G.

Government House, Prince Edward Island,  
5 August 1863.

My Lord Duke,

1. I HAVE the honour to acknowledge your Grace's Despatch, No. 24,\* of 11 July 1863, in which your Grace suggests a plan for the final settlement of the land question.

2. I have laid your Grace's Despatch before my Council, and I have been requested by the Members to convey to your Grace their grateful acknowledgments for the deep interest evinced by your Grace for the people of this Colony.

3. I am disposed to think that your Grace's plan will be gladly adopted by the Government.

I have, &c.  
(signed) *George Dundas*,  
Lieutenant Governor.

No. 27.  
Lieutenant  
Governor Dundas  
to the Duke of  
Newcastle, K.G.  
5 August 1863.

\* Page 67.

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— No. 28. —

(No. 73.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace the  
Duke of *Newcastle*, K.G.

Government House, Prince Edward Island,  
19 August 1863.

My Lord Duke,

1. IN acknowledging, in my Despatch, No. 68, of the 5th instant, your Grace's Despatch containing a plan for the settlement of the land question, I took occasion to remark that I had laid that Despatch before my Council, and

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that

No. 28.  
Lieutenant  
Governor Dundas  
to the Duke of  
Newcastle, K.G.  
19 August 1863.

that I was disposed to think that your Grace's plan would be gladly adopted by the Local Government.

2. This supposition is, I find, likely to be erroneous, as the feeling against your Grace's suggestions is undoubtedly increasing. As, however, I am unable at present to give your Grace any definite information, I shall not in the present Despatch enter into the question, merely availing myself of the earliest opportunity to withdraw an opinion which the first reception of the plan induced me to convey to your Grace, and which will probably prove incorrect.

\* Not printed.

3. I enclose, for your Grace's information, extracts\* from the "Islander" and "Examiner," two of the local newspapers.

I have, &c.  
(signed) *George Dundas*,  
Lieutenant Governor.

— No. 29. —

(No. 76.)

No. 29.  
Lieutenant  
Governor Dundas  
to the Duke of  
Newcastle, K.G.  
2 September 1863.

COPY of a DESPATCH from Lieutenant Governor *Dundas* to His Grace  
the Duke of *Newcastle*, K.G.

Government House, Prince Edward Island,  
2 September 1863.

My Lord Duke,

1. I HAVE the honour to report that Mr. Edward Palmer, Attorney General, and Mr. William H. Pope, Colonial Secretary of this Island, leave for England by the present mail as a Delegation from the Government of this Province to Her Majesty's Government on the land question.

2. A meeting of the supporters in the Legislature of the Local Government has recently been held; at this meeting I understand that the land question was fully discussed, and more particularly your Grace's recent suggestions respecting it. The Delegates, are, therefore, in possession of the views of the majority in the Council and in the Assembly, and with the grounds on which the party in power object to your Grace's suggestions.

3. The Delegates are prepared, with your Grace's permission, to discuss the whole question, and to endeavour on the part of the Local Government to arrive at some solution of its difficulties.

4. The Delegates will deliver to your Grace, as their credentials, a letter, copy of which I have the honour to enclose.

I have, &c.  
(signed) *George Dundas*,  
Lieutenant Governor.

Enclosure in No. 29.

Government House, Prince Edward Island,  
2 September 1863.

Encl. in No. 29.

My Lord Duke,

THE bearers of this letter, the Hon. Edward Palmer, Attorney General, and the Hon. William Henry Pope, Colonial Secretary of this Island, have been nominated by the Executive Council to proceed to London as a delegation from the Government of this Province to Her Majesty's Government on the land question.

The Delegates are in possession of the views of the party in power on the subject, and are prepared, with your Grace's permission, to enter into the whole question.

I have, &c.  
(signed) *George Dundas*,  
Lieutenant Governor.

His Grace the Duke of Newcastle, K.G.



— No. 30. —

(No. 43.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to the Right Honourable *Edward Cardwell*, M.P.

Government House, Prince Edward Island,  
6 May 1864.

Sir,

IN accordance with the wish of his Grace the Duke of Newcastle, I laid before the Legislature, during the late Session, Despatch, No. 24\*, of 11th July 1863, in which his Grace suggested a plan for the settlement of the land question.

I enclose an extract from the Journals of the House of Assembly, containing a Resolution on the subject.

I have, &c.  
(signed) *George Dundas*,  
Lieutenant Governor.

No. 30.

Lieutenant  
Governor Dundas  
to the Right Hon.  
E. Cardwell, M.P.  
6 May 1864.

• Page 67.

Enclosure in No. 30.

EXTRACT from Journals of the House of Assembly of Prince Edward Island, 6th April 1864. Encl. in No. 30.

THE Resolution reported from the Committee was then read by the clerk, and is as followeth :—

WHEREAS the scheme proposed by the Duke of Newcastle in his Despatch of the 11th July 1863, even if assented to by the proprietors, and confirmed by an Act of the Legislature of this Island, would not to any extent effect the enfranchisement of the leaseholders of the Island, inasmuch as it did not anticipate the remission of arrears of rent accrued and due prior to the 1st of May 1858, except in cases in which the tenants should purchase the freeholds of their farms; and as it would not render it compulsory upon the landlords to sell at any rate of price; but, on the contrary, would have left it optional with them to sell or not, as they might see fit; therefore, Resolved, that the said scheme is one such as this House cannot entertain; and further, that the course pursued by the Executive Government as expressed by the Minute of Council of the 27th August last, appointing a delegation for the purposes therein named, which was laid before this House on the 31st ultimo, meets with the unqualified approval of this House.

And the said Report being again read,—

The Honourable G. Coles moved, seconded by the Honourable J. Warburton, to amend the same, by striking out all after the word “Whereas,” to the end of the Report, and substituting the following :—

“The Despatch of his Grace the Duke of Newcastle, dated the 11th July last, on the land question, although open to some objections—but which might have been pointed out and their removal suggested—is, on the whole, one far more calculated to relieve the large majority of the tenantry of this Island from their embarrassments, than the proposals made by the Delegates, by order of the Executive Government, as laid before this House in a Minute of Council, dated the 27th August last: therefore, Resolved, that in the opinion of this House, the delegation offer has proved detrimental to the best interests of the tenantry, and ought not to have been ordered by the Executive Council until the Despatch of the 11th July 1863 had been submitted to the Legislature.”

The House divided on the motion of amendment.

Yeas :

Hon. G. Coles,  
Hon. E. Whelan,  
Hon. F. Kelly,  
Hon. D. Beaton,

Hon. J. Warburton,  
Hon. J. Hensley,  
Mr. Sinclair,  
Mr. Sutherland,

Mr. Howlan,  
Mr. Walker,  
Mr. Conroy,  
—11.

Nays :

Hon. J. H. Gray,  
Hon. Col. Secretary,  
Hon. J. Longworth,  
Hon. J. C. Pope,  
Hon. D. Kaye,

Hon. D. Davies,  
Hon. R. Macaulay,  
Mr. MacLennan,  
Mr. Haslam,  
Mr. Brecken,

Mr. Howat,  
Mr. Montgomery,  
Mr. Ramsay,  
Mr. Duncan,  
—14.

So it passed in the negative.  
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And

And the question being then put, "Shall the report of the committee be agreed to?"

The House again divided:

Yeas:

Hon. J. H. Gray,  
Hon. Col. Secretary,  
Hon. J. Longworth,  
Hon. J. C. Pope,  
Hon. D. Kaye,

Hon. D. Davies,  
Hon. R. Macaulay,  
Mr. Maclellan,  
Mr. Haslam,  
Mr. Brecken,

Mr. Howat,  
Mr. Montgomery,  
Mr. Ramsay,  
Mr. Duncan  
—14.

Nays:

Hon. G. Coles,  
Hon. E. Whelan,  
Hon. F. Kelly,  
Hon. D. Beaton,

Hon. J. Warburton,  
Hon. J. Hensley,  
Mr. Sinclair,  
Mr. Sutherland,

Mr. Howlan,  
Mr. Walker,  
Mr. Conroy,  
—11.

So it was carried in the affirmative.

— No. 31. —

(No. 44.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to the  
Right Hon. *Edward Cardwell*, M.P.

No. 31.

Lieut. Governor  
Dundas to the  
Right Hon.  
E. Cardwell, M.P.  
7 May 1864.

Government House, Prince Edward Island,  
7 May 1864.

Sir,

I HAVE the honour to transmit herewith three authenticated copies of an Act passed during the late session of the Legislature "for Settling Differences between Landlord and Tenant, and to enable Tenants on certain Townships to purchase the Fee-simple of their Farms;" and also the Attorney General's Report thereon.

2. This Act, reserved by a suspending clause for the signification of Her Majesty's pleasure, received my assent on the 2d instant.

3. The voluminous correspondence on the land question of this Island, and more particularly that which has taken place since the appointment of the Royal Commission, renders it unnecessary for me to enter into the subject. It is sufficient for me to remark, that the enclosed Act is intended to settle this embarrassing question, in so far as the proprietors who consented to the commission are concerned.

4. The terms of the enclosed Act are, shortly, as follows:—

All tenants (on the estates of these proprietors) who have unexpired leases of not less than 40 years, are to have the right to purchase the fee-simple of their farms at 15 years' purchase of the annual rent, for a period of 10 years from the time when this Act shall come into operation.

All arrears of rent which accrued previous to 1st May 1858 are to be *bond fide* remitted by these proprietors, as recommended by the Commissioners; except only in the case of tenants who have not complied with the recommendation of the Commissioners to pay the annual accruing rent, and against whom judgments have been entered up in the Supreme Court.

The decision of the Commissioners, as regards fishery reserves and quit-rents, is to be declared binding in law and equity, in respect of these proprietors.

5. Such is the substance of the enclosed Act, to which I venture to ask your early attention.

6. I heartily trust that the proprietors will consent to these terms, and that you will be able to advise Her Majesty specially to confirm this Act.

I have, &c.  
(signed) *George Dundas*,  
Lieutenant Governor.



## Enclosure 1, in No. 31.

AN ACT for Settling Differences between Landlord and Tenant, and to enable Tenants on certain Townships to purchase the Fee-simple of their Farms. Encl. 1, in No. 31.

[Passed 2 May 1864.]

WHEREAS by a certain address of the House of Assembly, pursuant to certain resolutions, passed by the said House, it was prayed that Her Majesty's Government would be pleased to direct a commission to inquire into the existing relations between landlord and tenant, and to negotiate with the proprietors for abatement of arrears of rent, and also for terms to enable the tenants to purchase the fee-simple of their farms:

And whereas Sir Samuel Cunard, Baronet, Edward Cunard, Sir Graham Montgomery, Baronet, James Montgomery, the Right Honourable Lawrence Sullivan, Daniel Hodgson, William Cundall, John Roach Bourke, the Honourable Thomas Heath Haviland, John A. Macdonald, and the Honourable Edward Palmer, and Henry Palmer, proprietors of the several township lands, mentioned in the schedule to this Act, marked (A), did agree to the issuing of such commission; and whereas a Royal Commission was thereupon issued, and whereas the Commissioners thereby appointed, by their report, did find and declare that no arrears of quit-rents, by the original grants reserved, are now due or recoverable from the proprietors, tenants or occupiers of such lands; and also that the proprietors, their tenants or occupiers, should be quieted in their possession of certain parts of the said lands, called or known as the "Fishery Reserves;" and did also declare and award that all arrears of rent, which accrued due to the said proprietors, in respect of any of the said lands, previous to the 1st day of May 1858, should be remitted to the tenants; and did also give certain rates at which they should have a right to purchase the fee-simple of their farms; and whereas the said Commissioners did also, by their report, direct and provide that in certain cases the value of the land should be ascertained by arbitrators or valuers, to be chosen by the landlords and their tenants respectively:

And whereas the validity of such last-mentioned direction or provision of the said Commissioners hath been questioned, and it hath been made to appear that such direction or provision exceeded the authority of the said Commissioners, and rendered the said award ineffective; and whereas it is nevertheless expedient that the questions concerning the land tenures of this Island, and which have been publicly agitated for so many years, should be set at rest by such legal provisions as will enable the tenantry to convert their leasehold tenures into fee-simple estates, upon such terms and conditions as Her Majesty may deem just and reasonable:

And whereas the said proprietors have intimated to Her Majesty's Government their willingness to remit to their tenants, on their respective estates, certain arrears of rent hereinafter mentioned; and also that the tenants on the said estates shall have the right to purchase the fee-simple of their farms at the rate hereinafter expressed:

1. Be it therefore enacted by the Lieutenant Governor, Council and Assembly,—That, first, every tenant now holding under lease, or demise, from any of the proprietors in the said schedule named, or their ancestors, or any other person or persons from or through whom they derive title, their, or any of their heirs or assigns, having, at the time of his desiring to exercise the right of purchaser hereinafter given, an unexpired term of not less than 40 years, under written demise, in any of the township lands of such proprietors therein mentioned, shall have a right or option to purchase the fee-simple of the lands so held by him under lease or demise at the rates hereinafter mentioned, that is to say, during the period of 10 years from the day when this Act shall come into force, every such tenant shall have a right or option to purchase such fee-simple at 15 years' purchase, of the yearly rent reserved and made payable by and under such demise: Provided always that in any case where the said yearly rent, during the first portion or years of the term, shall be less than the yearly rent reserved during the residue of such term, the amount of the purchase-money shall be computed by multiplying the maximum or full rent reserved, during the residue of such term, by the number of years purchase at which such tenant may, under the provision aforesaid, be entitled to purchase.

2. That the hereinbefore recited declarations or award of the said Commissioners, respecting the arrears of quit-rents, and also concerning the lands known as the "Fishery Reserves," be, and the same are hereby declared to be, binding in law and equity, in respect of the estates of the proprietors of township lands, whose names are set forth in the schedule hereunto annexed.

3. All arrears of rent which have accrued due to any of the said proprietors from any tenant of such township lands, previous and up to the 1st day of May 1858, and unpaid at the passing of this Act, whether secured by bond, judgment, cognovit, promissory note, or other species of security, are hereby remitted, released and given up, whether such tenant shall purchase his farm under the provisions of this Act or otherwise, save as hereinafter excepted; and no action, execution, or other proceeding in law or equity, shall be had or taken for any such arrears of rent: Provided always, that where any such arrears of rent shall have been secured by judgment at law recovered and entered up in the Supreme Court of Judicature in this Island, against any tenant or tenants of the said proprietors respectively, who have refused or neglected to pay their yearly accruing rents in

accordance with the recommendation of the aforesaid Royal Commissioners, such judgments having been entered up, upon, or at any time previously to the 1st day of October 1863, shall stand good and may be enforced as well for such arrears as for rent which may have accrued since the 1st day of May 1858, if any such shall be included in such judgments; and provided further, and it is hereby declared, that nothing in this Act shall be construed to entitle any tenant, who, subsequent to the 1st day of May 1858, shall have paid a sum larger than was sufficient to cover or liquidate the rent accruing due between the said 1st day of May 1858 and the time of the passing of this Act, to have the overplus or amount remaining, after deducting the rent so accruing, between the said 1st day of May 1858, and the time of the passing of this Act, applied in or towards the liquidation or payment of any rent accruing after the date of the passing of this Act; but such overplus shall be taken and held to have been appropriated by the landlord in payment of arrears that accrued due previous to the said 1st day of May 1858.

4. In any action, hereafter to be brought by any of the said proprietors, their heirs, or assigns, against any such tenant for the recovery of rent, which may have accrued due, previous to the 1st day of May 1858, under any such demise as aforesaid, this Act (as to so much of the demand as relates to rent accrued due previous to such last-mentioned date), shall be a good defence, under the general issue, without the same being specially pleaded in bar thereto.

5. That no tenant shall be entitled to claim the right or option to purchase under this Act, unless all arrears of rent, and which might have been recovered before the passing of this Act, and are not released or barred by the provisions hereof, shall be fully paid and satisfied.

6. That nothing in this Act shall extend to any lease made after the passing of this Act.

7. That no landlord shall be compelled to sell under the provisions of this Act, unless the whole of the purchase-money be tendered or offered to be paid.

8. That in case the tenant shall desire to purchase between the periods or days on which the rent falls due, the same shall be apportioned, and the portion there found to be due, added to the purchase-money payable by such tenant under the provisions of this Act.

9. In all cases where leases have been granted subsequent to the period when the Act passed in the 17th year of the reign of Her present Majesty, chap. 6, intituled, "An Act relating to certain Leases and Monetary Obligations entered into before the passing of the Currency Act," came into force and operation, such leases having the rent therein reserved in sterling; and the tenant shall have been accustomed to pay his rent reserved by such his lease, with the addition of one-ninth part thereof, every such tenant shall be entitled to have the purchase-money computed, in the same manner as the rent has been accustomed to be computed when paid.

10. Nothing in this Act shall have any force or effect until Her Majesty's pleasure therein shall be known.

#### SCHEDULE (A.)

Sir SAMUEL CUNARD, proprietor of townships numbers Two (2), Fourteen (14), Twenty-one (21), Thirty-two (32), Forty-four (44), Sixty-three (63), Sixty-four (64), and of halves of townships numbers Twenty (20), Forty-five (45), Forty-six (46), Forty-nine (49), and parts of townships Eight (8), Forty-eight (48), Fifty-four (54), and Sixty-five (65); also, one-third part of township Twenty-seven (27).

Mr. Edward Cunard, proprietor of townships numbers Four (4), Five (5), Six (6), and half of township number One (1).

Right honourable Lawrence Sullivan, proprietor of townships numbers Nine (9), Sixteen (16), Twenty-two (22), and Sixty-one (61).

Sir Graham Montgomery, of one-third ( $\frac{1}{3}$ ) part of township Thirty-four (34).

Honourable Thomas Heath Haviland, proprietor of townships numbers Fifty-six (56), and parts of townships numbers Forty-three (43), Forty (40), and Eight (8).

Henry and Edward Palmer, proprietors of one-half of townships number One (1).

Mr. Daniel Hodgson, proprietor of part of townships number Twenty-three (23).

Mr. William Cundall, proprietor of part of township number Twenty (20).

Mr. John A. Macdonald, proprietor of parts of townships numbers Thirty-five (35), and Thirty-six (36).

Mr. John R. Bourke, proprietor of half of township number Thirty-seven (37).

James Montgomery, Esq., proprietor of one-third part of townships numbers Fifty-one (51), Fifty-nine (59), and Thirty-four (34).

(A true copy, which I certify.)

(signed) *Edward Palmer*, Attorney General.



## Enclosure 2, in No. 31.

ATTORNEY GENERAL'S REPORT on "An Act for settling Differences between Landlord and Tenant, and to enable Tenants on certain Townships to purchase the Fee Simple of their Farms." Encl. 2, in No. 31.

THIS Act has been passed as a substitute for the award of the Commissioners appointed by Her Majesty's Commission to settle differences between certain proprietors of land in Prince Edward Island and their tenants; which award having been declared void by Her Majesty's Law Officers, the present Act is intended and expected to operate as a compromise between the said parties touching all matters relative to the right of the tenant to purchase, and the conditions of purchase.

Prince Edward Island,  
7 May 1864.

(signed) *Edward Palmer*,  
Attorney General.

## — No. 32. —

(No. 50.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to the  
Right Honourable *Edward Cardwell*, M. P.

Government House, Prince Edward Island,  
6 June 1864.

No. 32.  
Lieut. Governor  
Dundas to the  
Right Hon.  
E. Cardwell, M.P.  
6 June 1864.

Sir,

I HAVE the honour herewith to enclose a Petition to Her Majesty, which has been placed in my hands for transmission to you.

2. This Petition prays that Her Majesty will withhold Her consent from the Act of the Local Legislature passed last Session, intituled, "An Act for settling Differences between Landlord and Tenant, and to enable Tenants on certain Townships to purchase the Fee Simple of their Farms."

3. I observe that the last paragraph of this Petition states, "that another petition on this subject is in course of preparation for the signatures of the people generally." I shall therefore reserve any observations which I may have to offer on this subject to a future period.

I have, &c.  
(signed) *George Dundas*,  
Lieutenant Governor.

## Enclosure in No. 32.

To The Queen's most Excellent and Gracious Majesty.

Encl. in No 32.

THE humble and dutiful petition of the undersigned, Her Majesty's loyal subjects, inhabitants of Prince Edward Island, met together in Charlotte Town, as Delegates, chosen at various public meetings throughout the Island, to consult on the present state of the tenantry, and the measures lately passed through the Legislature affecting their interests, and through them the interests of the Island generally.

That in the last session of the General Assembly of this Island an Act was introduced by the Government, and passed, professing to be an Act for the settlement of differences existing between landlords and tenants in this Island, but such Act cannot go into force and operation until Your gracious Majesty's assent shall be given thereunto.

That the title of such Act is, "An Act for settling Differences between Landlord and Tenant, and to enable Tenants on certain Townships to purchase the Fee Simple of their Farms."—Passed 2d May 1864.

That such Act has been passed without the sense of the tenants and other electors of this Island being taken upon its provisions, and contrary, as petitioners believe, to their wishes, as expressed and embodied in resolutions passed at various public meetings recently held on the subject.

That petitioners do not accept the said Bill as any just settlement of the differences so existing, nor do they conceive that the tenantry at large will derive any benefit from it, as very few indeed would be able, or, if able, would it be, in petitioners' opinion, of any advantage to them to purchase at so high a rate as that of 15 years' purchase, named in the said Bill.

That the above measure is not at all calculated to remove the grievances under which this Island generally, and the tenant portion thereof particularly, have suffered, and do suffer, on account of the original improvident granting away of the land, and the evils entailed upon it and them under the pernicious system of landlordism.

That no settlement of the land question will be just or beneficial unless on a much more liberal and extensive footing than the measure above alluded to; and the petitioners, Your Majesty's loyal subjects, approaching Your Majesty with every feeling of devotion and loyalty, therefore humbly petition Your Majesty not to give Your Majesty's assent thereunto.

And Your Majesty's petitioners humbly submit that another petition on this subject is in course of preparation for the signatures of the people generally, and will be forwarded, to be laid at the foot of the throne with as little delay as possible.

And your petitioners, as in duty bound, will ever pray, being Your Majesty's most loyal subjects.

19 May 1864.

(signed) *James B. Gaz*, Chairman,  
(And 51 other signatures.)

— No. 33. —

No. 33.

(No. 59.)

Lieut. Governor  
Dundas to the  
Right Hon.  
E. Cardwell, M.P.  
3 August 1864.

COPY of a DESPATCH from Lieutenant Governor *Dundas* to the  
Right Honourable *Edward Cardwell*, M. P.

Government House, Prince Edward Island,  
3 August 1864.

Sir,

\* Page 74.

1. I HAVE the honour to acknowledge your Despatch, No. 13,\* of date 8th July 1864, in which you acquaint me that, in a letter which you have received from Lady Georgina Fane, her Ladyship informs you, that Mr. Henry Palmer, of this Island, assures her that he never gave his assent to the provisions of the recent Act of the Provincial Legislature for settling the differences between landlords and tenants, and that his name had been inserted in the Schedule to the Act without his knowledge, and against his consent.

2. You request that I will furnish you with a full explanation upon this point at as early a period as possible, and you inform me that, in the meantime, the final confirmation of the Act will be suspended.

3. I regret that the absence, in England, of Mr. Henry Palmer prevents my giving you as much information regarding this matter as I desire.

4. I have the honour, however, to enclose a letter, addressed to me by Mr. Attorney General Palmer, on the subject. He has entered so fully into it, that little necessity exists for amplification on my part.

5. After the failure of the various modes that from time to time had been proposed of adjusting the land differences, the present measure was introduced by my Ministers as a settlement, which, although open to objection, was deemed by them to be a reasonable compromise between the conflicting interests of landowner and tenant.

6. The proprietors named in the Schedule were not consulted by the local Government previous to the introduction of the Act in question. They are those who consented to the Commission of 1860, and who were subsequently named in the Schedule of Sir Samuel Cunard's draft Bill, transmitted to me by the Duke of Newcastle, in his Despatch No. 103, of 5th April 1862.

7. Mr. Henry Palmer, one of these proprietors, was resident in Charlottetown during the whole of last session, when the Act in question was introduced, carried through the Legislature, and received my assent. He must have been acquainted with all the provisions of this Act, which his brother, the Attorney General, had drawn up, and aware that his name, with that of his brother, was in the Schedule.

8. The Act received my assent on the 2d May, and, with the Schedule annexed, was published in the "Royal Gazette" of 11th May 1864. Mr. Henry Palmer did not leave this Island for England until the 4th June; up  
to



to that period he did not make any protest against his name having been inserted in the Schedule to the Bill; and I gather from your Despatch that, since his arrival in England, he has not made any direct appeal against it.

9. I am therefore led to conclude that Lady Georgina Fane has misunderstood Mr. Palmer's sentiments on the subject, and that Mr. Palmer does not wish to throw any obstacle in the way of the confirmation of this Act.

10. I have therefore directed that a communication be addressed to Mr. Palmer, who is still in England, requesting that he will, in order to avoid loss of time, correspond directly with the Colonial Office.

11. I may add, that I understand that Mr. Henry Palmer's interest in Lot 1 of this Island is of the value of about 25 *l.* sterling per annum.

I have, &c.  
(signed) *George Dundas*,  
Lieutenant Governor.

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Enclosure in No. 33.

Sir,

Prince Edward Island, Charlotte-town,  
2 August 1864.

Encl. in No. 33.

I HAVE had the honour to receive from your Excellency the copy of a Despatch dated 8th July 1864, from the Colonial Minister, respecting Mr. Henry Palmer's reported dissent from the Bill recently passed here for settling differences between landlord and tenant.

In compliance with your Excellency's wish to be furnished with my observations on this subject, I beg leave to state that I was not previously apprised that Mr. Henry Palmer had not given his sanction to this Bill, as much, at least, as any other of the proprietors whose names appear in the Schedule attached to it.

In preparing the draft of the Bill for the purpose of being introduced into the Legislature last session, I, in compliance with the instructions of the Colonial Government, adopted the Schedule which contained the names of those proprietors who were originally parties to the Commission in 1860.

This list was altered only as regarded those proprietors who had sold estates to the local Government between the periods of the Commission being issued and the framing of the Bill last spring.

As the Draft Bill prepared by me was liable to amendment in its passage through the Legislature, where indeed it underwent considerable alteration, no advantage would have resulted in previously obtaining the formal consent of the proprietors to a draft liable to important changes.

The views of those proprietors resident in England, and named in the Schedule, have not yet been officially made known, and with their opinions I am consequently unacquainted.

As to the other proprietors named in the Schedule resident in this Island, I can speak with greater confidence; they were on the spot when the Bill was introduced into the House of Assembly, and must have been fully aware of their names being in the Schedule. It was open to them at any time to protest against a measure, the provisions of which were well known and freely canvassed in this community; but no remonstrance to the local authorities was made, nor, as far as I am aware of, was any petition against the final confirmation of the Act forwarded by them to the Colonial Minister.

All those gentlemen named in the Schedule, and resident in the Island, may therefore have been reasonably supposed to acquiesce in the Bill, and, as it was published in the "Royal Gazette" within 10 days from the time when your Excellency gave your assent to it, none can plead ignorance of its provisions, or of his name appearing in the Schedule.

With regard to Mr. Henry Palmer, all I have stated as applying to the other resident proprietors applies with equal force to him. I never heard him express any objection to the Bill, nor from any other person that he had done or intended to do so, and I fully believed that the Bill met his approbation as it had my own.

Mr. Henry Palmer is at present in England, as your Excellency is aware; I am unable therefore to obtain from him at once his sanction personally given to the Bill.

I shall transmit to him, however, by this mail a duplicate of the certified copy of the Act, which I annex to this letter. To prevent the possibility of any further misunderstanding, these two certified copies of the Act bear the signature, as assenting parties, of every resident proprietor named in the Schedule, and at present in the Island.

I feel confident that Mr. Henry Palmer will not hesitate to subscribe his name formally to the document I have enclosed him, and that he will, by forwarding it without delay to Downing-street, obviate the objection which Lady Georgina Fane has apparently raised to the passing of an Act which is looked forward to with the deepest anxiety by such a large number of the tenantry of the landed estates in this Colony.

His Excellency Lieut. Governor Dundas,  
&c. &c. &c.

I have, &c.  
(signed) *Edward Palmer*,  
Attorney General.

Sub-Enclosure.

Sub-Enclosure.

"AN ACT for settling Differences between Landlord and Tenant, and to enable Tenants on certain Townships to purchase the Fee Simple of their Farms." \*

\* *Note*.—This Act will be found printed as an enclosure in Governor Dundas' Despatch, No. 44, 7th May 1864, page 50.

The following sentence and signatures were appended to it:

"We, the undersigned proprietors in Prince Edward Island, agree to the provisions of this Act.

(signed) " *J. R. Bourke.*  
*T. H. Haviland.*  
*Wm. Cundall.*  
*D. Hodgson.*  
*John A. McDonald.*  
*Edward Palmer.*"

No. 34.

Lieut. Governor  
Dundas to the  
Right Hon.  
E. Cardwell, M. P.  
15 August 1864.

(No. 61.)

— No. 34. —

COPY of a DESPATCH from Lieutenant Governor *Dundas* to the  
Right Honourable *Edward Cardwell*, M. P.

Government House, Prince Edward Island,  
15 August 1864.

Sir,

REFERRING to my Despatch, No. 50,\* of 6th June 1864, I have the honour to enclose two Petitions against the Act 27 Vict. c. 2, "for settling Differences between Landlord and Tenant, and to enable Tenants on certain Townships to purchase the Fee Simple of their Farms."

A Minute of Council on the subject is being prepared by my Ministers; I therefore reserve any remarks I may have to make until I am able to forward that Minute.

I have, &c.  
(signed) *George Dundas*,  
Lieutenant Governor.

Enclosure 1, in No. 34.

To The Queen's most Excellent and Gracious Majesty.

Encl. 1, in No. 34.

WE, Your Majesty's loyal and dutiful subjects, the fishermen of Prince Edward Island, beg leave to approach Your Majesty with feelings of affection and devotion, to unite with the tenants and others on said Island, in praying Your Majesty to withhold Your Royal assent to a Bill, passed May 2d, 1864, intituled, "An Act for settling Differences between Landlord and Tenant."

The reason for petitioning Your Majesty against the above-mentioned Bill is twofold, namely:

First. As inhabitants of Prince Edward Island, we think the said Bill unjust, as it resigns the fishery reserves to the proprietors, on those (32) thirty-two townships in which the reserves remained in the Crown, and by the Crown were transferred to the local Government of this Island, without any concessions on the part of said proprietors in return for the same.

Second. As fishermen we wish the fishery reserves on the above-named townships to remain in the Government of this Island, to be disposed of by them according to the spirit and meaning of the original grants.

And your petitioners, as in duty bound, will ever pray.



## Enclosure 2, in No. 34.

To The Queen's most Excellent and Gracious Majesty.

Encl. 2, in No. 34.

THE humble and dutiful petition of the undersigned, Her Majesty's loyal subjects, inhabitants of Prince Edward Island, sheweth :

That, in the last session of the General Assembly of this Island, an Act was introduced by the Government, and passed, professing to be an Act for the settlement of differences existing between landlords and tenants in this Island, but such Act cannot go into force or operation until your Gracious Majesty's assent shall be given thereunto.

That the title of such Act is, "An Act for settling Differences between Landlord and Tenant, and to enable Tenants on certain Townships to purchase the Fee Simple of their Farms," passed 2d May 1864.

That such Act has been passed without the sense of the tenants, and other electors of this Island, being taken upon its provisions, and contrary, as petitioners believe, to their wishes.

That petitioners do not accept that portion of said Bill which relates to the purchase of the said lands at so high a rate as the 15 years' purchase, named in said Bill, nor do they conceive that the tenantry at large will derive any benefit from it, as very few indeed would be able, or if able, would it be, in petitioners' opinion, any advantage to them to do so.

Although they believe that that portion of said Act which grants them a remission of arrears of rent up to 1st May 1858, might be an advantage to a very few of your petitioners, yet your humble petitioners do not accept said Bill (as a whole) as any just settlement of the said differences so existing.

And your petitioners believe that the above measure is not at all calculated to remove the grievances under which this Island generally, and the tenant portion thereof particularly, have suffered and do suffer, on account of the original improvident granting away of the lands, and the evils entailed upon it, and upon them, under the pernicious system of landlordism.

That no settlement of the land question will be just, or of any benefit, unless on a much more liberal and extensive footing than the measure above alluded to; and the petitioners, your Majesty's loyal subjects, approaching your Majesty with every feeling of devotion and loyalty, therefore humbly petition your Majesty not to give your Majesty's assent thereunto.

And your petitioners, as in duty bound, will ever pray.

— No. 35. —

(No. 65.)

COPY of a DESPATCH from Lieutenant Governor *Dundas* to the  
Right Honourable *Edward Cardwell*, M.P.

Government House, Prince Edward Island,  
7 September 1864.

Sir,

1. WITH reference to my Despatch, No. 61,\* of 15th ultimo, I have the honour to enclose the Minute of my Advisers, which I informed you was being prepared.

2. I also enclose a printed copy of the Petitions (transmitted with that Despatch) praying Her Majesty to disallow the Act passed last Session "for settling Differences between Landlord and Tenant."

3. With regard to the Petition of the fishermen, praying that the Act be disallowed, because by it the Fishery Reserves are conceded to the proprietors, I cannot do better than refer you to the remarks made on the subject of these reserves by the Land Commissioners in their report, transmitted to me with the Duke of Newcastle's Despatch, No. 94, of 7th February 1862.

4. On the objections generally, I may remark, that my Ministers never expected that the measure which they introduced last Session, and which was approved by the Legislature, was one which would meet with the entire approval of either tenants or proprietors. It was intended as a compromise between the conflicting interests of the two parties, and not as a measure which would be proposed by either, if possessed of unlimited powers to legislate for their own advantage.

5. From these Petitions it appears that some tenants object to this Act. I have reason to believe that its terms are not such as satisfy all the proprietors.

I have, &amp;c.

(signed) *George Dundas*,  
Lieutenant Governor.

No. 35.

Lieut. Governor  
Dundas to the  
Right Hon.  
E. Cardwell, M.P.  
7 September 1864.  
\* Page 56.

Enclosure.

Enclosure in No. 35.

(Extract.)

Encl. in No. 35.

Council Office, 7 September 1864.

HIS Excellency having laid before the Board a petition from divers inhabitants of this Island, praying Her Majesty the Queen may not give her assent to the Act of the Colonial Legislature of this Island, passed on the 2d day of May 1864, intituled "An Act for settling Differences between Landlord and Tenant, and to enable Tenants in certain Townships to purchase the Fee Simple of their Farms."

The Board thereupon expressed its regret that any number of the tenantry of the landed estates in this Colony should be so misguided as to raise any opposition to a measure which has been passed by a large majority of both branches of the Legislature, and by those bodies considered of especial advantage to a vast number of the tenantry of the Colony.

The petition states "that such Act has been passed without the sense of the tenants and other electors of this Island being taken upon its provisions, and contrary, as petitioners believe, to their wishes."

The Board feel it impossible to determine what number or proportion of the petitioners are tenants, inasmuch as there is nothing in the petition to distinguish which of the petitioners are tenants, and which are not; nor does it, in fact, appear what number of the petitioners of any class have actually signed or subscribed the petition, as many parts of the list of signatures exhibit numerous names signed in succession by the one hand.

The Board is of opinion that in proceeding to legislate upon any principle or measure, with a view of settling the long-agitated land question of this Colony, the Legislature, of whatsoever party composed, must be guided and restrained by that regard for the rights of property, which are secured to all classes by the long-established principles of our constitution. Were it to depart from this, and to be guided merely by the suggestions of the tenantry in their own case, emanating directly from them as a class, and to yield entirely "to their wishes," it would be in vain to expect that a law embodying and framed substantially upon their own opinions and wishes, would ever receive the sanction of the Sovereign.

The Act of Assembly, to which the the petitioners object, secures to all the tenants of the estates which come within its operation, the freehold of their farms at 15 years' purchase, keeping that right open to them for 10 years, and it provides for a remission of all back rents up to the year 1858.

The petitioners allege this to be a high rate, and that they conceive the tenantry at large will derive no benefit from it. From the public newspapers it appears that the same committee who have waited on his Excellency with the petition, have lately negotiated a purchase from Robert P. Haythorne, Esq., of his estate on Township No. 49, on the behalf of the tenants thereof, the terms of which purchase are 12 s. 6 d. per acre, payable by equal yearly instalments in five years, each bearing interest at six per cent., and in addition thereto, payment of the back rent as a sixth instalment, with interest on the same until paid; and if the tenant fails to fulfil these conditions, by nine days default, in payment of any one instalment, or the interest thereon, he forfeits his right to purchase, and the payments he has made are placed to the account of past and future rent. Thus, a tenant of 100 acres of land, who owes 30 l. of back rent, will have to pay on this estate 92 l. 10 s. for the freehold of his farm, besides five years' interest on his back rent, making the sum 101 l. 10 s., exclusive of what interest he may have to pay on his instalments. Under the Land Purchase Bill complained of, a tenant of 100 acres, who pays one shilling sterling yearly per acre (and the exceptions of those who pay a higher rent are comparatively very few), who owes 30 l. arrears of rent, or who might owe 50 l. of arrears prior to 1858, instances of which latter case are very common, will be enabled to purchase his farm at any time within 10 years, for the sum of 83 l. 6 s. 8 d. currency. Thus, there appears to the Board a most singular inconsistency in their opinions on the merits of the Bill, of those persons who, as representing the body of petitioners, have accepted terms for such of them as are Mr. Haythorne's tenants, in the purchase of the freehold of their farms.

A true extract from the Minutes of the Executive Council, which I certify.

*Charles Desbrisay,*  
Clerk to the Executive Council.



## Despatches from the Secretary of State.

— No. 1. —

(No. 11.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle* to  
Lieutenant Governor *Dundas*.

No. 1.  
Duke of  
Newcastle  
to Lieut. Governor  
Dundas.  
6 September 1859.  
\* Page 1.

Sir,

Downing-street, 6 September 1859.

I HAVE to acknowledge Sir D. Daly's Despatch, No. 29,\* of the 13th May last, addressed to Sir E. B. Lytton, transmitting an address to Her Majesty from the House of Assembly, in pursuance of certain resolutions of the House, praying that Her Majesty would direct a Commission to inquire into the existing relations of landlord and tenant in the Island, with a view to the passing of remedial measures.

The House of Assembly also propose that this Commission should direct its attention to the Fishery Reserves question.

The resignation of Her Majesty's late Government has prevented an earlier answer to your despatch.

The Assembly in their address, not only pray for the appointment of a Commission, but they likewise indicate in detail the measures which, in their opinion, should form the basis of that arrangement between landlords and tenants which the Commission should endeavour to bring about. Now, without expressing any opinion adverse to the appointment of such a Commission, I am convinced that any prospect of a beneficial result from its labours would be nullified if its action were fettered by such conditions as the Assembly would thus impose.

I cannot advise Her Majesty to entertain the question, unless it is fully understood that the Commission are at liberty to propose any measures which they may themselves judge desirable.

I have communicated the correspondence to Sir S. Cunard, as representing the landowners in this country, with a letter, of which I enclose a copy.

I have, &c.  
(signed) *Newcastle*.

— No. 2. —

(No. 13.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle* to  
Lieutenant Governor *Dundas*.

No. 2.  
Duke of  
Newcastle  
to Lieut. Governor  
Dundas.  
17 September 1859.  
† Page 3.

Sir,

Downing-street, 17 September 1859.

I HAVE to acknowledge the receipt of your Despatch, No. 21,† of the 8th August, containing your views on the subject of the appointment of a Commission to inquire into the relations of landlord and tenant in Prince Edward Island.

I have to refer you to my recent Despatch on this subject, No. 11, of the 6th of September, and to express my willingness to assent to the appointment of a Commission, if both the parties interested can be brought to agree to it, and if the House of Assembly consent to forego the conditions proposed in their address to the Queen, transmitted in Sir D. Daly's Despatch, No. 29,‡ of the 13th May last.

I have, &c.  
(signed) *Newcastle*.

† Page 1.

— No. 3. —

No. 3.

(No. 12.)

Duke of  
Newcastle to  
Lieut. Governor  
Dundas,

21 March 1860.

\*Page 59.

13 February 1860,  
page 75.

COPY of a DESPATCH from His Grace the Duke of *Newcastle* to  
Lieutenant Governor *Dundas*.

Sir,

Downing-street, 21 March 1860.

WITH reference to my Despatch, No. 11,\* of the 6th of September last, in which I informed you that I had communicated to Sir Samuel Cunard the correspondence which had taken place upon the subject of the appointment of a Commission to propose measures of arrangement between landlords and tenants in Prince Edward Island, I transmit to you the copy of a letter which has been addressed to me by Sir S. Cunard and several other proprietors of land in the Island.

The proprietors, it will be seen, do not think that the appointment of a Commission in the manner proposed by the House of Assembly in their address, of the 9th May last, would be the most desirable mode of proceeding; as the labours of such a Commission could only terminate in a Report, the conclusions of which would not be binding on any of the parties interested. They suggest therefore, instead, that three Commissioners or referees should be appointed, one by Her Majesty, one by the House of Assembly, and the third by the proprietors, and that they should be invested with power to hear and determine all the questions in dispute. It is further suggested that the expense of the Commission should be divided equally between the Crown, the tenants, and the proprietors.

If the consent of all the parties can be obtained to this proposal, I believe that it may offer the means of bringing these long-pending disputes to a termination. But it will be necessary, before going further in the matter, to be assured that the tenants will accept as binding the decision of the Commissioners or the majority of them, and as far as possible that the Legislature of the Colony would concur in any measures which might be required to give validity to that decision. It would be very desirable also that any Commissioner who might be named by the House of Assembly on behalf of the tenants should go into the inquiry unfettered by any conditions such as were proposed in the Assembly last year.

I have therefore to request that you will ascertain and report to me whether the tenants of Prince Edward Island, or the House of Assembly on their behalf, are prepared to agree to the proposed reference.

I have, &amp;c.

(signed) *Newcastle*.

— No. 4. —

No. 4.

(No. 23.)

Duke of  
Newcastle to  
Lieut. Governor  
Dundas,

16 June 1860.

\* Pages 5, 6.

COPY of a DESPATCH from His Grace the Duke of *Newcastle* to  
Lieutenant Governor *Dundas*.

Sir,

Downing-street, 16 June 1860.

I HAVE had under my consideration your Despatches, No. 15 of the 16th April, and No. 22 of the 30th April.\* In the former despatch you enclose a resolution, in which the Assembly agrees to the proposed appointment of commissioners on the subject of the tenures of land, binds itself to abide by the decision of those commissioners, or the majority of them, and pledges itself to concur in whatever measures may be required to give validity to that decision. In the second despatch you inform me that a short Act has since passed through both Houses, given effect to the foregoing resolution.

I cannot do otherwise than express my sense of the promptitude and completeness into which the House of Assembly has thus given its support to the plan devised in the hope of putting an end to the differences which have prevailed in Prince Edward Island.

In Mr. Howe, the Assembly, acting on behalf of the tenantry, have selected a commissioner whose known ability and prominent public position must well qualify him for the proposed inquiry.

From



From Sir Samuel Cunard I have received a letter, of which a copy is enclosed\* naming as the commissioner selected by the proprietors, Mr. John William Ritchie, of Halifax, who I doubt not will honourably discharge his function.

\* 14 May 1860,  
page 76.

I have written, in exercise of the choice belonging to Her Majesty's Government, to request Mr. John Hamilton Gray, of New Brunswick, to undertake the remaining office of commissioner. Mr. Gray has recently conducted another public inquiry with a degree of ability, carefulness, and justice, which fully entitles him to the confidence of all concerned in the intended investigation.

Although the privilege of selecting each commissioner has been conferred on a separate authority, so as the better to ensure satisfaction with the composition of the Commission, yet it is my view, and I doubt not will be that of the commissioners themselves, that none of them ought to be regarded as the special advocate of one interest, but rather that the whole should devote their efforts to framing such recommendations as shall be demanded by the equity of the case, and be conducive to the general good of all classes of the community. Their conclusions, whatever they may be, will possess double weight if, happily, they should be unanimous.

The time of meeting in Prince Edward Island will be best determined by the commissioners themselves, who will be able to communicate with you on any points which they may wish to ascertain, as bearing on the question of the most convenient period for the purpose. It will be desirable that previous arrangements should be made, as far as practicable, for having at hand all witnesses, and all documentary evidence, which the Commission is likely to require, so that the time needed for their actual sittings in the Island may be reduced within the most moderate compass consistent with a due and complete accomplishment of their inquiry.

I shall take an early opportunity of forwarding to you a Commission under the Royal Sign Manual, containing the appointment of the several gentlemen named to serve on the Commission.

I am, &c.  
(signed) *Newcastle.*

— No. 5. —

(No. 28.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle* to  
Lieutenant Governor *Dundas*.

No. 5.

Duke of  
*Newcastle* to  
Lieut. Governor  
*Dundas*.

3 July 1860.

\* Page 60.

Sir,

Downing-street, 3 July 1860.

WITH reference to my Despatch, No. 23\*, of the 16th of June, I have the honour to transmit to you a Commission, under the Royal sign manual, appointing the gentlemen, named in my former Despatch, to inquire into and adjust the differences which have prevailed in Prince Edward Island relative to the tenure of land.

You will have the goodness to deliver this instrument to the Commissioners upon their arrival in the Colony.

I have, &c.  
(signed) *Newcastle.*

Enclosure in No. 5.

(L. S.) " VICTORIA R.

Encl. in No. 5.

" VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith. To all to whom these Presents shall come, greeting.

" Whereas We have been moved by the Assembly of Our Island of Prince Edward, to appoint Commissioners to inquire into the differences now prevailing in Our said Island, relating to the rights of landowners and tenants in Our said Island, with a view to the settlement

settlement of the same on just and equitable principles: And whereas the said Assembly has further, by a resolution, dated the 14th day of April last, set forth its agreement to abide by the decision of any such Commissioners, or the majority of them, and to concur in whatever measures may be requisite for giving validity to their decision: And whereas it is highly desirable that the said differences should be adjusted:

“Now know ye, that We, taking the premises into Our Royal consideration, are graciously pleased to nominate and appoint, and do by these presents nominate and appoint, Our trusty and well-beloved John Hamilton Gray, Esquire, Our trusty and well beloved Joseph Howe, Esquire, and Our trusty and well-beloved John William Ritchie, Esquire, to be Our Commissioners for inquiring into the said differences, and for adjusting the same on fair and equitable principles.

“Given at Our Court at Buckingham Palace, this 25th day of June 1860, in the 24th year of Our reign.

“By Her Majesty’s command,  
(signed) “*Newcastle.*”

— No. 6. —

No. 6.

(No. 33.)

Right Hon.  
G. C. Lewis, M.P.,  
to Lieut. Governor  
Dundas.

COPY of a DESPATCH from the Right Honourable Sir *George Cornewall Lewis*, M.P., to Lieutenant Governor *Dundas*.

Sir,

Downing-street, 28 July 1860.

28 July 1860.

\* Pages 60, 61.

WITH reference to the Despatches which were addressed to you on the 16th ultimo and 3d instant Nos. 23 and 28\*), I have to acquaint you that Mr. John Hamilton Gray, of St. John, New Brunswick, has accepted, as was anticipated, the offer which was made to him to act as one of the three Commissioners appointed to inquire into the tenures of land in Prince Edward Island.

I have, &c.  
(signed) *G. C. Lewis.*

— No. 7. —

No. 7.

(No. 39.)

Secretary of State  
to Lieut. Governor  
Dundas.

EXTRACT from a DESPATCH from the Secretary of State to Lieutenant Governor *Dundas*.

19 October 1860.

Sir,

Downing-street, 19 October 1860.

Printed at p. 138.

† Page 9.

I HAVE received from Mr. Robert Bruce Stewart and other proprietors of land in Prince Edward Island, a memorial, of which copy is annexed, protesting against the confirmation of the Act transmitted with your Despatch No. 56,† of the 1st instant, entitled (No. 1026) “An Act to give effect to the Report of the Commissioners to be appointed on the Land Question.”

The Secretary of State would be glad to receive a report from you on the subject of this remonstrance.

\* \* \* \* \*

Mr. Stewart has been informed that if he wishes the matter to be considered by the Secretary of State, he must forward a fresh communication through you, in accordance with the prescribed regulations, which will enable the Secretary of State to receive at the same time those explanations and remarks from the Lieutenant Governor, without which no conclusion can be adopted.

I have, &c.  
(signed) *Frederic Rogers.*  
(In the absence, and by the authority of,  
the Duke of Newcastle.)



## — No. 8. —

(No. 40.)

COPY of a DESPATCH from the Secretary of State to Lieutenant Governor  
*Dundas.*

No. 8.

Secretary of State  
to Lieut. Governor  
*Dundas.*

22 October 1860.

\* Page 7.

Sir,

\* Downing-street, 22 October 1860.

I AM directed by the Secretary of State to acknowledge the receipt of your Despatch, No. 55,\* of the 1st instant, enclosing the report of the proceedings of the Commissioners appointed to investigate the land question in Prince Edward Island.

I have, &amp;c.

(signed) *C. Fortescue,*

(In the absence, and by the authority  
of, the Duke of Newcastle.)

## — No. 9. —

(No. 45.)

COPY of a DESPATCH from His Grace the Duke of Newcastle, K.G., to  
Lieutenant Governor *Dundas.*

No. 9.

Duke of  
Newcastle, K.G.,  
to Lieut. Governor  
*Dundas.*

2 January 1861.

† Page 9.

Sir,

Downing-street, 2 January 1861.

I HAVE had under my consideration the two Acts passed by the Legislature of Prince Edward Island, and enclosed in your Despatch, No. 56,† of the 1st October last, intituled (No. 1025) "An Act to authorise Grants of the Shores of this Island;" and (No. 1026) "An Act to give effect to the Report of the Commissioners to be appointed on the Land Question."

I feel some doubt as to the object with which the first of these Acts was passed. I do not see what lands it will affect, at least above high-water mark, unless it was intended to operate on the fishery reserves.

At the same time, as the treatment of those reserves is a question on which Her Majesty's Government have expressed a decided opinion, and which, at the instance of the Prince Edward Island Legislature, is now under reference to the recently appointed Commission, I can hardly imagine that the Legislature would have passed an Act calculated to anticipate the judgment of their own referees, or that you would have submitted it for Her Majesty's confirmation, without any notice of its intended effect.

I have therefore to request, that you will furnish me with information on the following points:—

1. Whether there is in the Island any land above high-water mark upon which the Act will operate, except the fishery reserves; and, if so, what, in general terms, may be supposed to be its extent?

2. Whether it is intended or supposed that the operation of the Act would be confined to those lands, if any, and to the land below high-water mark, or whether the Act was intended to apply to some or all of the fishery reserves?

3. What are understood to be the present powers of the Crown respecting shore lands not comprised in those reserves, and what the additional powers which it is intended to confer, in respect to those lands, by the proposed law?

4. What effect, if any, the Act is intended to have upon the fishery reserves?

5. And lastly, whether there is in the present circumstances of the Island any ground for expecting that "commercial enterprise" will be much encouraged (as stated in the preamble of the Act) by making such grants on the sea shore as would be authorised by the proposed Act, and would not be authorised without it?

I must add, however, that whatever answer may be furnished to these questions, I cannot advise the Queen to assent to the Act while the subject on which it legislates is under the consideration of the Commissioners.

With regard to the Act for giving effect to the award of the Commissioners,

I gladly acknowledge the promptitude with which the Provincial Legislature has hastened to give effect to what they have supposed to be the desire of Her Majesty's Government, conveyed in my Despatch of the 21st of March last, and I very much regret that an apparent misconception of my meaning has led the Legislature to pass a law which appears to me premature.

My object was not to require immediate legislation for the purpose of giving prospective effect to the award of the Commissioners, but only to obtain from the House of Assembly, as representing the whole body of the tenants, an unequivocal acceptance of the proposed reference, and from the Legislature a pledge that the laws necessary to give effect to the Commissioners' award should be passed when it appeared what legislation would be necessary for that purpose.

But the present Act, or any other Act which could be passed at the present moment, might, in the event, prove either too sweeping, or too limited, for that object. It would be too sweeping, if it were found that the referees promulgated decisions respecting lands belonging to persons who have not consented to the reference, or if they made awards respecting questions (like that of escheat) which did not fall within the scope of their inquiry.

It would be too limited, or, at least, inadequate for its purpose, if it failed to make such provisions of detail as were necessary to give practical effect to the general principles laid down by the Commissioners.

For these reasons it appears to me impossible to advise Her Majesty to assent, at the present moment, to any such general law as that which has now been forwarded. Nor do I see that any present legislation could be valuable, except such as may be based upon suggestions to be made by the Commission with the view of defining the persons and questions to which their inquiry was to extend, or of conferring on them the powers (like those of compelling the attendance of witnesses, and of examining on oath) which are requisite to enable them to carry on their inquiries to the satisfaction of all concerned.

I trust you will impress upon the Commissioners (if requisite) the necessity of avoiding, as far as possible, any steps calculated to excite unreasonable expectations, or to stimulate agitation.

On the other hand, while assuring the proprietors that the award of the Commissioners will not be enforced by Her Majesty's Government against any persons who have not either personally, or by their representatives, consented to refer their claims to arbitration, I should wish you also to observe to them, that their refusal to concur frankly in a measure which was intended to compose existing differences, and which, so far as it has yet proceeded, has been assented to by a large portion of their body, may materially influence the conduct of Her Majesty's Government, if called upon hereafter to support them in any future disputes with their tenants.

I have, &c.  
(signed) *Newcastle.*

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— No. 10. —

No. 10.

(No. 52.)

Duke of  
Newcastle, K.G.,  
to Lieut. Governor  
Dundas.

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to  
Lieutenant Governor *Dundas*.

Sir,

Downing-street, 13 February 1861.

13 February 1861.

Page 13.

I HAVE had under my consideration your Despatch, No. 65\* of the 12th of November, informing me of a correspondence which had taken place with you on the question whether the Lieutenant Governor may at his option communicate to his Council any letter or memorial furnished to him by a resident in the Colony for transmission to the Secretary of State.

I agree with you that the Lieutenant Governor must claim and exercise a discretionary power on the subject. In many cases he could not, without consulting one or more members of his Council, obtain the information necessary to enable him to report to the Secretary of State. And, again, if private individuals could place him under an absolute interdict from communicating with



with his advisers on their letters sent through his hands, it is obvious that this might afford an opportunity to endeavour to create distrust between him and his ministers. On the other hand, the Lieutenant Governor should be ready to receive and weigh any reasons which the writer of a letter to the Secretary of State might have to urge for wishing it not to be disclosed, and should then decide to the best of his judgment whether or not these reasons were valid. This, indeed, is merely to say in other words, what I stated at the outset that, without laying down any absolute rule, he should retain and exercise a discretion on the subject.

I have, &c.  
(signed) Newcastle.

## — No. 11. —

(No. 94.)

COPY of a DESPATCH from His Grace the Duke of Newcastle, K.G., to  
Lieutenant Governor Dundas.

Sir,

Downing-street, 7 February 1862.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 3,\* of the 10th of January, requesting that you may be furnished with a copy of the Report of the Commissioners appointed to inquire into the Land Tenures of Prince Edward Island.

I have much pleasure in being able to comply with your request, and I forward to you a copy of the report with this Despatch.\* I am desirous at the same time to express my appreciation of the painstaking, able, and impartial report which the Commissioners have furnished; a report which must derive additional weight from its unanimity, and which is the result of an investigation so complete that it has exhausted the materials for inquiry into the facts of the case. The difficulties that remain are those which are inherent in the subject, and which have for a long course of years baffled every attempt at solution.

I fear that I cannot hold out to you the prospect of an Imperial guarantee to a loan of 100,000 £, in order to buy up the estates of Prince Edward Island from their present owners; and, on the other hand, there appear to me to be insuperable objections to that multiplicity of separate local arbitrations, which would be the effect of the alternative measure alluded to in the Commissioners' Report. I shall be very glad if I shall find it possible at a future opportunity to offer any fresh suggestions for meeting the difficulties of the case; but, in the meanwhile, I forward the report, accompanied by the few foregoing general remarks, which are all that it is at present in my power to make, in order that you may be able to say the document before the Legislature as soon as possible after its meeting.

I am &c.  
(signed) Newcastle.

## -- No. 12. --

(No. 97.)

COPY of a LETTER from His Grace the Duke of Newcastle, K.G., to  
Lieutenant Governor Dundas.

Sir,

Downing-street, 21 March 1862.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 15\*, of the 3d of March, requesting that you may be furnished with the Appendix referred to in the Report of the Commission of Inquiry into the Land Tenures of Prince Edward Island.

I have to acquaint you that this Appendix, in consequence of its bulk, has not been printed, and there is, therefore, only one copy of it in this country which is necessarily retained here for the use of Her Majesty's Government in deliberating on this subject. I regret, therefore, that it is not at present in my power to comply with your wishes.

I have, &c.  
(signed) Newcastle.

## No. 11.

Duke of  
Newcastle, K.G.,  
to Lieut. Governor  
Dundas.

7 February 1862.

\* Page 23.

\* This Report has  
been deposited in  
the Library of the  
House of Com-  
mons.

## No. 12.

Duke of  
Newcastle, K.G.,  
to Lieut. Governor  
Dundas.

21 March 1862.

\* Page 23.

— No. 13. —

No. 13.

Duke of  
Newcastle, K.G.,  
to Lieut. Governor  
Dundas.

5 April 1862.

\* Page 83.

(No. 103.)

COPY of a DESPATCH from His Grace the Duke of Newcastle, K.G., to  
Lieutenant Governor Dundas.

Sir,

Downing-street, 5 April 1862.

I HAVE been requested by Sir Samuel Cunard to forward to you the enclosed draft Bill \* embodying a plan for giving the tenants in Prince Edward Island the power of purchasing their holdings on certain terms there laid down. Sir S. Cunard expresses to me a confident hope that these terms will be found to satisfy the expectations of the tenants and will be well received by the Legislature.

I have not had time since receiving this document to examine the full bearings of the proposal, nor in any case should I pronounce a confident opinion on a matter depending so much on questions of local detail. But I need hardly say that it will give me great pleasure to find that Sir S. Cunard's anticipations are well founded.

The letter in which the draft Bill was first communicated to me was signed by Sir Samuel Cunard, Mr. E. Cunard, Mr. L. Sullivan, and Mr. Graham Montgomery for himself and Mr. James Montgomery, who, therefore, may be taken as having unquestionably concurred in it. But the Schedule to the Bill (I do not know on what authority) contains various other names. I think that if the Bill were to be passed by the Legislature, the only proprietors on whom it could be made at once compulsory are the gentlemen whose names I have above given. I should have little doubt, however, that the other gentlemen named in the Schedule to the Bill are, in fact, consenting parties, though it has not been practicable to forward their actual signatures to the Colonial Office.

I have, &c.  
(signed) Newcastle.

— No. 14. —

No. 14.

Duke of  
Newcastle, K.G.,  
to Lieut. Governor  
Dundas.

9 August 1862.

\* Page 24.

(No. 120.)

COPY of a DESPATCH from His Grace the Duke of Newcastle, K.G.,  
to Lieutenant Governor Dundas.

Sir,

Downing-street, 9 August 1862.

I HAVE received your Despatch, No. 45,\* of the 25th of June enclosing two Bills passed with suspending clauses by the Legislature of Prince Edward Island, intituled, cap. IV., "An Act to give effect to the Report of the Commissioners on the Land Question."

And cap. XII., "An Act to facilitate the Operation in certain Particulars of the Award or Report made by certain Commissioners to settle and adjust Differences respecting some of the Township Lands in this Colony."

In forwarding these Acts, you informed me, that you would shortly communicate to me a Minute by your Responsible Advisers, explaining the reasons for framing these measures; and this you have since done in your Despatch, No. 52,\* of the 23d of July. I am, therefore, now in a position to communicate to you the conclusion to which I have been led.

It appears from the Minute of your ministers, that they consider the so-called award of the Land Commissioners to be binding on the proprietors and the Legislature, and on this ground they state that they are unable to entertain Sir S. Cunard's proposal for enabling the tenants in Prince Edward Island to acquire freehold interests in their holdings, which was transmitted to you in my Despatch of the 5th April last, No. 103.†

I very much regret that it is not in my power to concur in the views by which your Government have been led to prepare these Bills, or to advise Her Majesty to bring them into operation by giving Her assent to them.

Your advisers appear to consider that Her Majesty's Government had proposed to the proprietors of land, and that those proprietors had consented to place themselves and their interests absolutely in the hands of the Commissioners; this however was far from being the case.

The proprietors consented that Commissioners should be appointed to enter

\* Page 35.

† See above.



enter into all the inquiries that might be necessary, and to decide upon the different questions which might be brought before them, giving of course to the parties interested an opportunity of being heard."

The main questions thus to be decided upon were, first, at what rate tenants ought to be allowed to acquire freehold interests in their property, and next what amount of arrears of rent should be remitted by the landlords.

On the first and most important of these questions the Commissioners professed themselves unable to come to any conclusion; and instead of deciding it, they recommended virtually that it should be decided by other arbitrators to be hereafter nominated; this however is not what they were charged to do. They were authorised by the proprietors to make an award themselves, but they were not authorised to transfer the duty of making that award to others. The trust confided to them was evidently a personal one. The proprietors relied on the skill, knowledge and fairness of the three gentlemen appointed in 1860.

But they could not therefore be called upon in deference to these gentlemen's opinion to confide their interests even to arbitrators, specifically designated in the award, much less to persons whose very mode of appointment is undetermined by it.

The objection might of course be waived by the proprietors, but it is not waived; and being insisted upon, I am obliged to admit that it is conclusive; and I am bound further to say, that it is, in my opinion, an objection founded not on any technical rule of law, but on a sound and indisputable principle of justice, the principle, namely, that a person who has voluntarily submitted his case to the decision of one man, cannot therefore be compelled without his consent to transfer it to the decision of another.

It is therefore impossible for me to advise Her Majesty to sanction the two Acts which you have forwarded, and which of course are intended to render the award obligatory on all who consented to the reference.

I must instruct you, therefore, however unwillingly, to treat the Commissioners' award only as an expression of opinion, which, however valuable as such, cannot be made legally binding on the parties concerned, and which therefore ought not to be allowed to stand in the way of any other proposal which promises an amicable settlement of the question.

It was under these circumstances and with these impressions that I forwarded to you the proposal made by Sir S. Cunard, in hopes that it might be found to furnish a basis of agreement in lieu of the recommendations of the Commission.

Your Government refuse to consider this proposal not, as I understand, because they think it in itself inadmissible, but because they consider themselves as bound to give effect to the Commissioners' award. This award being now out of the way, I have to request that you will bring Sir S. Cunard's proposal under their reconsideration. I do not think it desirable that I should myself express any opinion upon its merits. I will only observe that it is in some respects more favourable to the tenants than the Commissioners' award, and that it will give me great pleasure to learn that it is likely to furnish a solution of these difficulties which, so long as they are unsolved, must continue to obstruct the progress of the Colony.

This conclusion which I have adopted respecting these Acts, renders it unnecessary that I should do more than acknowledge your Despatch, No. 46,\* of the 25th of June, enclosing a memorial from Mr. Haythorne against the Act (cap. XII.) to facilitate the operation of the award.

\* Page 33.

I have &c.  
(signed) *Newcastle.*

— No. 15. —

(No. 24.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to Lieutenant Governor *Dundas*.

Sir,

Downing-street, 11 July 1863.

I HAVE received your Despatch, No. 34,\* of the 9th of April, transmitting an address to Her Majesty from the Legislative Council and Assembly of Prince Edward Island, on the subject of the recent Land Commission.

The Council and Assembly, after stating at length the appointment of a Commission to examine into the land question, the nature of the recommendation or award

No. 15.

Duke of *Newcastle*,  
K.G., to Lieut.  
Governor *Dundas*.

11 July 1863.

\* Page 39.

award submitted by them to Her Majesty, and the circumstances under which certain Bills based upon that recommendation failed to receive Her Majesty's allowance, proceed to observe that the question whether this award can or cannot be made legally binding on the parties concerned is one proper for the consideration of Her Majesty's legal tribunals; and they conclude by praying Her Majesty to inform the proprietors of land in Prince Edward Island that unless cause to the contrary be shown before a legal tribunal to be provided by Her Majesty, a Bill giving effect to the Commissioners' award will receive the Royal sanction.

As I am not aware of any method by which this question could be submitted to any court of justice, and as the Council and Assembly have not suggested any such method, I considered that the course most satisfactory to them would be that of ascertaining from the law officers of the Crown, first, whether the so-called award were in itself liable to any objection founded upon any principle of law or equity: and next, whether it were possible by any proceeding in law or equity to give effect to the wish of the Prince Edward Island Legislature, by enabling the proprietors or tenants to show cause why Her Majesty's assent should or should not be given to the proposed Bill.

I transmit a copy of the answer which I have received to my question.

You will observe that, in the opinion of Sir W. Atherton and Sir R. Palmer, the report of the Commissioners is not properly to be called an award at all; and in particular, "that a recommendation that the price to be paid by a tenant for the purchase of his land should be settled in each particular instance in which the landlord and tenant may differ about the same, by arbitration, is not either literally or substantially within the scope of" [the Commissioners] "authority."

They further state that any Act for the settlement of this question must be judged of upon its own merits, and "not upon any supposition of an award, legally or morally binding, having been made in this case."

I trust that this opinion, embracing the legal and moral aspects of the question, and founded on the plainest principle of law and common sense—the principle that a man who has agreed to refer his case to one tribunal cannot therefore be forced to submit it to another—will satisfy the Legislature of Prince Edward Island that the course which they have suggested must be dismissed as impracticable, and will lead them to consider, with patience and moderation, some other means of settling a question which is at present productive of so much public inconvenience.

The Government of the Colony, acting in the interests of the tenants, have already rejected a proposal made by the proprietors that their lessees should be allowed to purchase a fee-simple in their holdings, at 15 years' purchase, of the reserved rent, the purchase-money being paid at once in cash. I can imagine that they may have had good reasons for that refusal; but I cannot help observing that as the Commissioners had suggested a maximum rate of 20 years' purchase, the proprietors' proposal must, in some instances, have involved a considerable sacrifice on their part, and that its rejection by the tenantry transfers to them the obligation of suggesting some reasonable basis of compromise.

The ground being thus cleared for a fresh proposal, I think myself bound to bring before the Colonial Government the views which I have been led to form on the subject.

As to the general principles on which this matter ought to be settled, I feel little difficulty.

In the first place, I dismiss the idea of imposing on the proprietors by law any general rate of commutation. The inquiries of the Commissioners were pointedly directed to this object, and they have pronounced it unattainable.

I think that the objections to a compulsory arbitration are equally insuperable. The expense would probably be so large, and the practical difficulty of securing a fair adjudication, and compelling a tenant to perform the terms of an unfavourable award, would, in the present state of public opinion, be so great, that the proprietors could not with any justice be required to submit to them.

I also dismiss the notion of any Imperial guarantee or advance of money. The Legislature of Prince Edward Island must take it as certain that Her Majesty's Government cannot propose any such measure to Parliament.

As however the project of a loan under an Imperial guarantee has met with universal favour, I assume that means might be found in the Colony to pay interest on a loan of less amount without such a guarantee.

I also infer from the tone of the Commissioners that any general rate of commutation

9 June 1863.



mutation which is adopted or indicated by authority should hinge more or less upon the reserved rent.

From the eagerness with which I have been pressed to confirm the award of the Commissioners, I infer that the award is acceptable to the tenants; that is to say that the tenants are ready to pay the fair price of their lands (as settled by impartial arbitrators) in instalments spread over ten years, and to continue the payment of rent (or rather of interest on the unpaid instalments) until the land is thus enfranchised.

From the scheme of the proprietors I infer that they on their side are in all cases ready to sell their rights for 15 years' purchase of the reserved rent, paid at once in cash; but I conceive that basis of commutation to have been defective, for two reasons: first, that it required an immediate cash payment in full, which the tenants cannot make; and secondly, that it based the price of an estate solely on the rate of reserved rent without reference to the question whether that rent had been or could be collected. It could not be expected that tenants who had never paid their rents would buy off their obligation to do so at the rate of 15 years' purchase.

With these preliminary observations, I desire to consider the present condition of the question with a view to determine, not what is just or legal, on which of course no agreement can be expected, nor yet what would be most advantageous to the tenants or landlords if either of them were possessed of unlimited power to effect what they wished (which is an easy but unpractical question); but to the more useful and difficult inquiry, can these tenures be extinguished on terms which under present circumstances are mutually advantageous to tenant and proprietor?

It must steadily be borne in mind, that in calling upon the proprietor to relinquish his present claims, the Colony is calling upon him to sacrifice admitted legal rights. By what inducement can he be reconciled to that sacrifice? Plainly by giving increased security to those rights which he retains. Payment in cash would dispose of all question of security, but this the tenant cannot effect; payment by instalments gives the landlord no fresh security, it is merely the substitution of one promise to pay for another, the parties remaining the same.

It appears to me, however, that in many cases, at least, the position of the landlord would be materially bettered if he received the security of the Colony instead of the security of the tenant for his annual income, or, in other words, if the purchase-money were paid down at once, but were paid either wholly or partially in debentures.

I will assume, in order to facilitate the explanation of my meaning, that the purchase-money is paid one-third in cash and two-thirds in debentures.

I should then in the first place propose that the Government should be authorised to issue annually a certain amount of debentures bearing six per cent. interest (say not exceeding 15,000 *l.* a year for five years), and to apply those debentures in buying up or in assisting to buy the landlords' rights with their consent at a fixed rate of purchase, which I will call the Government price. When a tenant is prepared to pay down in cash one-third of this Government price, I would propose that the Government should issue debentures to the amount of the remaining two-thirds, and that the purchase being thus completed, the tenant should receive a conveyance in fee of the land, subject to the liability to pay the interest on the debentures, and ultimately, by contribution to a sinking fund or otherwise, to discharge the principal.

If the tenant could not advance this proportion of the purchase-money, the Government might buy the property on its own account (as has been done with the Selkirk and Worrall Estates), and recover its advances as it could, either by re-sale of the land or by the recovery of rent from the tenant, in which the Government, with full power of legislation at its command, ought not to find any difficulty. In this case, however, it might be necessary for the Government to raise, by sale of debentures, perhaps at a loss, the proportion of the purchase-money which was to be paid in cash.

This being the machinery of redemption, it follows to inquire what shall be the Government price; the assessed rate of purchase which will regulate the amount of assistance to be given in each case from public funds, and which may be viewed as receiving a certain moral support from Government; although this rate is not compulsory, and may therefore be increased or diminished in particular cases by private arrangements between landlord and tenant, it is

highly desirable that it should be so fixed as to be tolerably applicable to the majority of sales, and to inform landlords with some precision what they have to expect, and what terms of escape (for so I will call it) from their very invidious position are practically open to them.

In this inquiry I shall assume the rate of interest in Prince Edward Island to be that at which the debentures are issued, namely 6 per cent. A rent reserved on land would at this rate be worth about 16 years' purchase. And considering that two-thirds of the purchase-money is to be paid in Government debentures, I do not think that a landlord who has looked after his property, and is in the receipt of the full reserved rent, could be expected to part with his interest (including a more or less valuable reversion at the expiration of the lease) for a less amount. Nor do I see why the tenant should be disinclined to redeem at that rate.

But in many cases landlords have not looked after their interests and have not received their full rents. In proportion as this has been the case the tenant will be unwilling to redeem at a high rate a rent which he has never paid; while the landlord will be ready to sell at a low rate a rent which he has never received. In all these cases therefore a proportionate reduction must be made in order to satisfy the tenant, and may be made without dissatisfying the landlord. In all these cases I would propose (to use an ordinary phrase) to "split the difference" between the strict rights of the landlord and his actual receipts.

It would be easy to ascertain in any case of intended commutation the average payment of the tenant for the eight years preceding the 1st of May 1858, being the date up to which the Commissioners propose to remit arrears. Having done this I would propose to take as the Government price a sum equal to eight years' purchase of the reserved rent, plus eight years' purchase of the average actual receipts.

I will illustrate the proposal by three cases of farms rented at 50 *l.* a year each. In one I will suppose that the full rent has been regularly paid, in the second that it has been half paid, in the third that it has not been paid at all.

|                                                             |   |   | £.     |
|-------------------------------------------------------------|---|---|--------|
| I.—Eight years' purchase of reserved rent (50 <i>l.</i> )   | - | - | 400    |
| Eight years' purchase of average receipts (50 <i>l.</i> )   | - | - | 400    |
| Government Price                                            | - | - | £. 800 |
| II.—Eight years' purchase of reserved rent (50 <i>l.</i> )  | - | - | 400    |
| Eight years' purchase of average receipts (25 <i>l.</i> )   | - | - | 200    |
| Government Price                                            | - | - | £. 600 |
| III.—Eight years' purchase of reserved rent (50 <i>l.</i> ) | - | - | 400    |
| Eight years' purchase of average receipts                   | - | - | 0      |
| Government Price                                            | - | - | £. 400 |

Of this sum I have already said one-third would be paid in cash by the tenant. The remaining two-thirds would be advanced by Government in debentures. A payment for 25 years of 8 per cent. on the amount borrowed, would probably suffice to meet the annual interests of the debentures and to pay off the principal, if the terms of the loan rendered it possible to invest the annual payment, towards the sinking fund in the redemption of the debentures, *i. e.* at 6 per cent. interest. If not, the slight loss might possibly be borne by the Public Treasury, in consideration of the public benefit which this commutation might be expected to effect.

If this were so, the result to the tenant in each of the three preceding cases will be as follows:—

When a rent of 50 *l.* had been paid in full,\* the landlord would receive 800 *l.* the tenant would pay 266 *l.* 13 *s.* 4 *d.* down, and an annuity, say for 25 years, of 42 *l.* 13 *s.* 4 *d.*

When the reserved rent was 50 *l.* and 25 *l.* had been actually paid,\* the landlord would receive 600 *l.* and the tenant would pay 200 *l.* down, and an annuity of 32 *l.*

When nothing had been paid,\* the landlord would receive 400 *l.* and the tenant would pay 133 *l.* 6 *s.* 8 *d.* down, and an annuity of 21 *l.* 6 *s.* 8 *d.*

I suggest

|                                                 | Government Price. | Paid down. | Remaining due. | Annual Payment for 25 years, 8 per Cent. |
|-------------------------------------------------|-------------------|------------|----------------|------------------------------------------|
|                                                 | £. s. d.          | £. s. d.   | £. s. d.       | £. s. d.                                 |
| * I. £. 50 rent paid in full - - - -            | 800 - -           | 266 13 4   | 533 6 8        | 42 13 4                                  |
| II. £. 50 reserved rent, £. 25 actually paid    | 600 - -           | 200 - -    | 400 - -        | 32 - -                                   |
| III. £. 50 reserved rent, nothing actually paid | 400 - -           | 133 6 8    | 266 13 4       | 21 6 8                                   |



I suggest the payment by way of annuity because I suppose this to be the most convenient to the tenant. But of course arrangements might easily be made to enable those who preferred it, to pay their money more promptly.

In any case, however, it must be distinctly understood (as this is the basis of the whole arrangement) that the obligation to pay the principal and interest of the debentures as between the Government and the debenture holder, rests exclusively on the Public Treasury, and is in no degree whatever affected by the failure or neglect of the Government to recover the money from the tenant.

As these sales will not be compulsory, it is not necessary to enter upon any question as to the nature and duration of the leases to which the right of purchase should apply. But with regard to arrears, I assume that in any case of commutation the tenant and landlord will be alike satisfied to abide by the commissioners' recommendation, that arrears which accrued prior to May 1, 1858, should be remitted, but that all subsequent arrears should be paid up.

I have heard two objections raised to that part of the scheme which relates to tenants who have not hitherto paid their rents. The one is, that, so large a remission professedly depending on the fact that rent has been withheld, is in fact an encouragement to dishonesty. The other is that those who have hitherto successfully resisted the payment of any rent whatever, will not be willing to pay the proposed commutation in order to get rid of an obligation which they have never performed.

The one objection is that the indulgence to non-paying tenants is immorally large, the other that it is suicidally small.

These objections to a certain extent answer each other. But the truth is, that any practicable arrangement must be open to both of them. The state of things is this: the landlords cannot seriously hope to recover their strict legal rights in full, while the tenants who have not paid rent cannot without extravagance expect to be supported in their present refusal to do so. It is assumed (for without that assumption all hope of a pacification is impossible) that the landlords will find it their interest to waive their right to much that they are entitled to, if the Legislature of Prince Edward Island will honestly assist them to obtain more than they at present receive. This is the only possible basis of compromise. The real question is not whether the proposed arrangement is free from objection, but whether it will not in a large number of cases be for the advantage alike of landlord and tenant to secure their own interests by closing with such terms as I have indicated. My own hope and impression is that it will be so, and I therefore cannot but hope that the terms would be largely accepted if put forward with the support of Government, though I am bound to add that some at least of the landlords are not satisfied with them. There would of course remain a few special cases to be dealt with separately. But the experience of this country has shown that when a reasonable principle of voluntary commutation is once put forward, it is before long freely accepted by the majority of those concerned, while the minority either establish a fair ground of exception or are eventually compelled to follow the stream.

I am under the necessity of requesting you to inform the Legislature that Her Majesty has not been able to comply with the prayer conveyed in their address. But I wish you in so doing to lay the present Despatch before them, and invite their attention to the suggestions which it contains, being I can assure you, the result of much anxious consideration, and of an earnest desire to promote the interests of Prince Edward Island and its inhabitants.

I have, &c.  
(signed) Newcastle.

#### Enclosure in No. 15.

My Lord Duke,

Temple, 9 June 1863.

Encl. in No. 15.

WE are honoured with your Grace's commands, signified in Sir Frederic Rogers' letter of the 9th May ultimo, stating that he was directed by your Grace to request that we would take into consideration the enclosed copy of an address to the Queen, from the Council and Assembly of Prince Edward Island.

Sir Frederic Rogers was also pleased to state, that that Island was granted during the last century to certain persons, by whom a large portion of it was let to the present occupiers. The tenants are very desirous to obtain a fee-simple interest in their lands, and to escape payment of rent, and this desire has produced a series of disputes of various kinds,

That in 1860 a proposal was made to appoint a Commission to investigate the matter, and the proprietors suggested, as a preferable method, that "three commissioners or referees be appointed, one to be named by Her Majesty, one by the House of Assembly, and one by the proprietors of land, and that these commissioners should have power to enter into all the inquiries that may be necessary, and to decide upon the different questions which may be brought before them, giving, of course, to the parties interested an opportunity of being heard." This proposal was accepted by the Assembly of Prince Edward Island, who agreed "on the part of the tenantry, to abide by the decision of the commissioners, or the majority of them, and to pledge themselves to concur in whatever measures may be required to give validity to that decision."

That three commissioners were appointed "for inquiring into the said differences, and for adjusting the same on fair and equitable principles;" and in a report (of which a copy was enclosed) "awarded" *inter alia*, that the tenants should receive a certain remission of arrears, that they should be entitled to purchase their holdings at 20 years' purchase of the reserved rent, and that any tenant who thought this rate of commutation too high, might tender what he choose, and that on the refusal of the landlord to accept that tender the value should be adjusted by arbitration.

That to this the landlords objected, through Sir S. Cunard in a letter (of which a copy was annexed), that they were ready to be bound by the decision of the three commissioners, that they were not prepared to hand over their interests to the proposed arbitrators, and to embark in the expense and dispute consequent on a multitude of petty arbitrations. On this ground they refused to accept the award, and your Grace on the same ground refused to advise that Her Majesty should concur in the legislation which was necessary for enforcing it.

That the landlords, however, offered terms not including an arbitration, but giving to the tenants the remission of rent proposed by the commissioners, and the right to purchase the fee-simple of their land at 15 years' purchase of the reserved rent.

That the Council and Assembly of Prince Edward Island state that they do not seek, by the passing of a law, to compel compliance with an award liable to an objection founded on any principle of justice or equity; but submit that the question as to whether that award can or cannot be made legally binding on the parties concerned, is one proper for the consideration of Her Majesty's judicial tribunals.

That they, therefore, pray that, unless cause to the contrary be shown before a judicial tribunal, Her Majesty's allowance may be given to a Bill to give effect to the said award of Her Majesty's Royal Commissioners.

Sir Frederic Rogers was further pleased to state that there is, in Prince Edward Island, a supreme court invested with the usual powers appertaining to the English supreme courts of equity and common law; and that under these circumstances, he was directed to request our opinion on the following questions:—

1. Whether the award is, in itself, liable to any objection founded on any principle of law or equity.
2. Whether there is any proceeding in law or equity by which it would be possible that the proprietors or tenants in Prince Edward Island could show cause why Her Majesty's assent should or should not be given to a Bill to be passed by the Prince Edward Island Legislature, for giving effect to the award of the commissioners.
3. Whether there is any proceeding at law or equity by which that award can be enforced upon the recusant proprietors.
4. Whether in case there is no such proceeding the Legislature of Prince Edward Island could, with justice and propriety, pass a law giving effect to that award.

In obedience to your Grace's commands, we have taken this matter into consideration, and have the honour to report,—

1. That we do not think the term "Award" applicable, with any propriety, to the Report of the Commissioners of Inquiry, appointed by Her Majesty's Commission of the 25th June 1860; for there was no reference or submission, properly so called; the gentlemen who signed the letter to your Grace, dated the 13th February 1860, having been incompetent to bind the general body of proprietors of land in Prince Edward Island, and not having professed or attempted to do so; while, on the other hand, it is clear that they did not propose or intend, by that letter, to bind themselves individually, unless the general body of proprietors would be also bound.

Passing, however, by this point (which is, nevertheless of the greatest importance, with reference to the two following questions), we are of opinion, upon the substance of the case, that the commissioners have not executed the authority, which alone was proposed to be conferred upon them, on the part of the landowners who signed the letter of the 13th February 1860, so far as the proprietary interests of those or other landowners are concerned, viz., "to negotiate with the proprietors of township lands, for fixing a certain rate of price, at which every tenant might have the option of purchasing his lands; and also to negotiate with the proprietors for a remission of the arrears of rent in such cases as the commissioners might deem reasonable;" and we think, that a recommendation that the price to be paid by a tenant for the purchase of his land, should be settled, in each particular instance in which the landlord and tenant might differ about  
the



the same, by arbitration, is not, either literally or substantially, within the scope of that authority.

We are confirmed in this view by the perusal of the Act of Assembly, passed on the 2d of May 1860, which, although not assented to by Her Majesty (for the reasons stated in your Grace's Despatch of the 2d January 1861), appears to us to show, both by its preamble and by its second and third enacting clauses, that an award by the commissioners, which, without any delegation to other arbitrators, should itself settle all matters in difference between each particular landlord and tenant, and should thenceforth determine and govern the title to the land in each township, was what the Assembly, as well as the landowners, really had in contemplation.

2 and 3. Our answer, to both these questions, is in the negative.

4. This is a question of public policy. Such an Act if passed by the Colonial Legislature and assented to by Her Majesty, must be founded and justified, not upon any supposition of an "award," legally or morally binding, having been made in this case, but solely for reasons of public advantage, such as those which have at various times induced the Imperial Legislature to pass statutes for the enfranchisement of copyholds at the option of the tenant, for the enfranchisement of perpetually renewable leaseholds in Ireland, for the commutation of tithes, for the compulsory acquisition of lands for railway and other public works, at prices to be fixed by a jury or by arbitration, and for other similar purposes, involving, for the general good, more or less interference with the tenure of private property.

We have, &c.

(signed) *W. Atherton,  
Roundell Palmer.*

His Grace the Duke of Newcastle, K. G.,  
&c. &c. &c.

— No. 16. —

(No. 1.)

COPY of a DESPATCH from his Grace the Duke of *Newcastle*, K. G., to  
Lieutenant Governor *Dundas*.

Sir,

Downing-street, 9 January 1864.

I HAVE the honour to transmit to you for your information the enclosed copy of a correspondence which has passed between this Department and Sir Samuel Cunard, respecting a proposal made by the Prince Edward Island delegates on the land question, that such tenants, holding under leases of 40 years and upwards, as shall be indebted to the extent of more than one year's rent shall, at any time within 20 years from the 1st instant, be entitled to acquire the fee-simple of their respective holdings at 16 years' purchase, on the basis of the reserved rent.

I have, &c.

(signed) *Newcastle.*

— No. 17. —

(No. 3.)

COPY of a LETTER from his Grace the Duke of *Newcastle*, K. G., to Lieutenant  
Governor *Dundas*.

Sir,

Downing-street, 27 January 1864.

WITH reference to my Despatch, No. 1, of the 9th of January, I have the honour to transmit to you a copy of a letter from Mr. Pope, in reply to Sir Samuel Cunard's letter of the 4th of January, already in your possession. I have to request that you will acquaint Mr. Pope that I have received this communication, but that it does not appear to be one which calls for any comment on my part.

I have, &c.

(signed) *Newcastle.*

No. 16.

Duke of Newcastle,  
K. G., to Lieut.  
Governor Dundas.  
9 January 1864.

Colonial Office to  
Sir S. Cunard,  
1 January 1864,  
page 93.

Sir S. Cunard to  
Colonial Office,  
4 January 1864,  
page 94.

No. 17.

Duke of Newcastle,  
K. G., to Lieut.  
Governor Dundas.  
27 January 1864.

13 January, p. 134.

— No. 18. —

No. 18.

Right Hon.  
Edward Cardwell,  
Esq., M.P., to  
Lieut. Governor  
Dundas.

8 April 1864.

(No. 2.)

COPY of a DESPATCH from the Right Honourable *Edward Cardwell*, M.P.,  
to Lieutenant Governor *Dundas*.

Sir,

Downing-street, 8 April 1864.

WITH reference to your Despatch, No. 6, of the 27th February, enclosing printed copies of the correspondence between this Department and the Delegates from the Government of Prince Edward Island on the subject of the Landed Tenure question, I have the honour to transmit to you a copy of a letter from Sir S. Cunard, and a copy of the reply which has been returned to it.

From this reply you will learn that, as the previous correspondence has been printed by authority of Government, a similar course should be taken with these further communications. But I am desirous that it should be distinctly understood that I cannot permit this Department to be any further made, by either party, the medium of this kind of controversy.

I have, &amp;c.

(signed) *Edward Cardwell*.

Sir S. Cunard,  
26 March, p. 94.  
Colonial Office,  
6 April, p. 98.

— No. 19. —

No. 19.

Right Hon.  
Edward Cardwell,  
M.P., to Lieut.  
Governor Dundas.

8 July 1864.

(No. 13.)

COPY of a DESPATCH from the Right Honourable *Edward Cardwell*, M.P.,  
to Lieutenant Governor *Dundas*.

Sir,

Downing-street, 8 July 1864.

I HAVE the honour to acquaint you that in a letter which I have received from Lady Georgina Fane, her Ladyship informs me that Mr. Henry Palmer, of Prince Edward Island, assures her that he never gave his assent to the provisions of the recent Act of the Provincial Legislature for settling the differences between landlords and tenants, and that his name had been inserted in the schedule to the Act without his knowledge and against his consent.

I have to request that you will furnish me with a full explanation upon this point at as early a period as possible, and in the meantime the final confirmation of the Act will be suspended.

I have, &amp;c.

(signed) *Edward Cardwell*.

— No. 20. —

No. 20.

Right Hon.  
Edward Cardwell,  
M.P., to Lieut.  
Governor Dundas.

15 Nov. 1864.

(No. 28.)

COPY of a DESPATCH from the Right Honourable *Edward Cardwell*, M. P.,  
to Lieutenant Governor *Dundas*.

Sir,

Downing-street, 15 November 1864.

I HAVE had under my consideration the petitions against the "Act for settling Differences between Landlord and Tenant, &c.," of which copies were transmitted to me with your Despatch, No. 65,\* of the 17th of September, together with a Minute of your Executive Council upon them.

I have to request that you will inform the petitioners that I have been unable to advise a compliance with their petition.

I have, &amp;c.

(signed) *Edward Cardwell*.

\* Page 36.



## Correspondence with Landowners and others.

— No. 1. —

COPY of a LETTER from Sir *S. Cunard*, Bart., and others, to His Grace the Duke of Newcastle, K.G.

No. 1.  
Sir S. Cunard,  
Bart., and others,  
to the Duke of  
Newcastle, K.G.  
13 February 1860.

My Lord Duke,

Bush-hill House, Edmonton,  
13 February 1860.

WE have been furnished with a copy of a memorial, addressed to Her Majesty by the House of Assembly of Prince Edward Island, on the subject of the questions which have arisen in connection with the original grants of land in that Island, and the rights of proprietors in respect thereof.

We observe that the House of Assembly have suggested that Her Majesty should appoint one or more Commissioners to inquire into the relations of landlord and tenant in the Island, and to negotiate with the proprietors of township lands for fixing a certain rate of price at which every tenant might have the option of purchasing his lands, and also to negotiate with the proprietors for a remission of the arrears of rent in such cases as the Commissioners might deem reasonable, and proposing that the Commissioners should report the result to Her Majesty.

As large proprietors of land in this Island, we beg to state that we shall readily acquiesce in any arrangement that may be practicable, for the purpose of settling the various questions alluded to in the memorial from the House of Assembly, but we do not think that the appointment of Commissioners in the manner proposed by them would be the most desirable mode of procedure, as the labours of such Commission would only terminate in a report which would not be binding on any of the parties interested.

We, therefore, beg to suggest, that instead of the mode proposed by the House of Assembly, three Commissioners or referees be appointed,—one to be named by Her Majesty, one by the House of Assembly, and one by the proprietors of land,—and that these Commissioners should have power to enter into all the inquiries that may be necessary, and to decide upon the different questions which may be brought before them, giving, of course, to the parties interested, an opportunity of being heard.

We should propose that the expense of the Commission should be borne by the three parties to the reference, that is to say, in equal thirds; and we feel assured that there will be no difficulty in securing the adhesion of all the landed proprietors to a settlement on this footing.

The precise mode of carrying it into execution, if adopted, would require consideration, and upon that subject we trust that your Grace would lend your valuable assistance.

We have, &c.  
(signed) *S. Cunard.*  
*E. Cunard, per S. Cunard.*  
*Graham Montgomery.*  
*Selkirk.*  
*James Montgomery.*  
*Laurence Sullivan.*

## — No. 2. —

No. 2.  
C. Fortescue, Esq.,  
M.P., to Sir S.  
Cunard, Bart.

11 May 1860.

Printed at p. 1.

\* Page 60.

COPY of a LETTER from C. Fortescue, Esq., M.P., to Sir S. Cunard, Bart.

Sir,

Downing-street, 11 May 1860.

WITH reference to the correspondence which has passed on the subject of the appointment of a Commission to inquire into the relations of landlord and tenant in Prince Edward Island, I am directed by the Duke of Newcastle to forward to you the copy of a Despatch from the Lieutenant Governor, enclosing the copy of a Resolution of the House of Assembly, signifying the assent of that House to the suggestions contained in the Duke of Newcastle's Despatch of the 21st March\* last (of which I am to send you a copy) for the settlement of the questions that have been so long in dispute between the proprietors and tenants in Prince Edward Island.

I am directed to request you to communicate these documents to the proprietors who are in this country, and ascertain from them the name of the gentleman whom they may think proper to associate, on their behalf, with the two other Commissioners.

I am, &c.

(signed) C. Fortescue.

## — No. 3. —

No. 3.  
Sir S. Cunard,  
Bart., to C. Fortescue, Esq., M.P.

14 May 1860.

COPY of a LETTER from Sir S. Cunard, Bart., to C. Fortescue, Esq., M.P.

Sir,

Bush-hill House, Edmonton,

14 May 1860.

I HAVE to acknowledge the receipt of your letter of the 11th instant, on the subject of the proposed Commission for Prince Edward Island, and in reply, I beg to state, that I have consulted with the principal proprietors in this country, and I am duly authorised by them to name John William Ritchie, of Halifax, Nova Scotia, Barrister, as the Commissioner on the part of the proprietors.

I have, &c.

(signed) S. Cunard.

## — No. 4. —

No. 4.  
C. Fortescue, Esq.,  
M.P., to Sir S.  
Cunard, Bart.

30 June 1860.

COPY of a LETTER from C. Fortescue, Esq., M.P., to Sir S. Cunard, Bart.

Sir,

Downing-street, 30 June 1860.

I AM directed by the Duke of Newcastle to transmit to you, for your information, the enclosed copies of two Despatches which have been addressed to the Governor of Prince Edward Island, on the subject of the forthcoming inquiry into the tenures of land in that colony.

The Earl of Mulgrave has been furnished with copies of these Despatches, and has been requested to communicate them both to Mr. Ritchie and to Mr. Howe; and a letter has been addressed in similar terms to Mr. Hamilton Gray, who has been selected, in virtue of the choice belonging to Her Majesty's Government, to complete the members of the Commission of Inquiry.

I am, &c.

(signed) C. Fortescue.

No. 23.  
16 June, p. 60.



— No. 5. —

COPY of a LETTER from Sir S. Cunard, Bart. to His Grace the Duke of  
Newcastle, K.G.

No. 5.  
Sir S. Cunard,  
Bart., to the Duke  
of Newcastle, K.G.  
8 October 1860.

Bush-hill House, Edmonton,  
8 October 1860.

My Lord Duke,

I HAVE just received the enclosed copy of an Act passed by the Legislature of Prince Edward Island, entitled, "An Act to give Effect to the Report of the Commissioners to be appointed on the Land Question."\*

\* Page 25.

I have no wish to withdraw from the reference agreed to, or in any way to limit the matters to be discussed before the Commissioners, but this Act appears to me to give powers to the Commissioners far greater than it was the intention either of the proprietors or Her Majesty's Government to confer.

Your Grace will observe, that by the Resolutions of the Assembly, as well as in the Despatch of Sir E. Bulwer, the liability of the lands to escheat is ignored.

In the answer to the communication of Mr. Merivale to me of the 6th September 1859, myself, and the other proprietors object to the mode proposed by the House of Assembly, as it seemed to contemplate only a report which would not be binding on any one, and we suggest that the Commissioners should be named, one by the Imperial Government, one by the Assembly, and one by the proprietors, and that they should have power to decide on the questions which should be brought before them. These questions being, as stated in the resolutions to which we refer, for the amelioration of the condition of the tenantry; whether the grants were liable to forfeiture, could only be a question between the proprietors and Her Majesty's Government, which the Despatches from the different Colonial Secretaries, conveying the decision of the Government have shown not to be the case. In agreeing to this reference, therefore, we did not contemplate that we were agreeing to abrogate the decision of Her Majesty's Government contained in the Despatches on this question.

The present Act, though very vague and uncertain in its powers, appears to give the Commissioners absolute authority to declare the lands forfeited. It must be obvious to your Grace, that had it been so understood, we never would have consented to a reference, which would place it in the power of persons who might not be lawyers, to decide on the purely legal objections which might be urged against the validity of the grants.

If under the reference contained in resolutions and communications to which we have referred, the Commissioners entered into this question, all they could have done would have been to recommend in their reports, that the validity of the grants should be tried by action in the ordinary courts, from which an appeal would of course lie to the Privy Council; but under this Act, the report of the Commissioners would have the effect of a legal decision, against the validity of the grants founded on evidence not under oath, and the correctness of which could not be tried before the highest court of appeal.

Another objection to the Act is, that any legislation before the report is premature. Many different subjects will be dealt with by the Commissioners to give effect to which the passage of statutes will be required. In legislating under our constitution, the great safeguard against mistakes and inaccuracies is, that when a Bill is introduced into the Lower House, its provisions are discussed, and the same thing takes place in the Upper House, and after this it can be criticised and examined by the law officers of the Crown before it is assented to, by which means clauses, uncertain in their provisions or omissions, which may defeat the legislator's intention, are less likely to occur.

Should the Commissioners attempt to deal with this matter, as contemplated by the Act, by making a general report, it is almost impossible but that their intentions will, in some instances, be defeated, simply from the difficulty of moulding a law embracing such complex questions free from errors, or which will not give rise to doubts, opening a wide field for litigation. This objection becomes the more grave when it is recollected that under this Act the moment the report is delivered to the Governor, it becomes law, no opportunity for

canvassing its provisions being allowed, and no power to the Commissioners to amend mistakes being given.

I trust, therefore, your Grace will see the propriety (where such large interests are involved) of withholding the Royal Assent to this Act, and leaving the authority of the Commissioners to rest on the safe and more constitutional power conveyed to them by the Royal Commission.

I have, &c.  
(signed) *S. Cunard.*

— No. 6. —

No. 6.  
Sir F. Rogers,  
Bart., to Sir S.  
Cunard, Bart.

13 October 1860.

\* Page 77.

COPY of a LETTER from Sir *F. Rogers*, Bart. to Sir *S. Cunard*, Bart.

Sir,

Downing-street, 13 October 1860.

I AM directed by the Secretary of State to acknowledge the receipt of your letter of the 8th instant,\* on the subject of an Act which has been lately passed by the Legislature of Prince Edward Island, with a suspending clause, "to give Effect to the Report of the Commissioners to be appointed on the 'Land Question.'"

I am to acquaint you, that the Act in question has not yet been transmitted by the Lieutenant Governor to this office, but that as soon as it arrives, it will, together with your representation respecting it, receive the careful consideration of the Secretary of State.

I am, &c.  
(signed) *F. Rogers.*

— No. 7. —

No. 7.  
Sir F. Rogers,  
Bart., to Sir S.  
Cunard, Bart.  
23 January 1861,

No. 45 of  
2 January 1861,  
page 63.

COPY of a LETTER from Sir *F. Rogers*, Bart. to Sir *S. Cunard*, Bart.

Sir,

Downing-street, 23 January 1861.

WITH reference to my letter of the 13th of October last, I am directed by the Duke of Newcastle to transmit to you a copy of a Despatch which his Grace has addressed to the Lieutenant Governor of Prince Edward Island, on the subject of the Acts passed by the Provincial Legislature, entitled, "An Act to authorize Grants of the Shores of this Island," and "An Act to give Effect to the Report of the Commissioners to be appointed on the same Question."

I am to request that you will communicate this Despatch to the proprietors of lands in Prince Edward Island, resident in this country, who are interested with yourself in this matter.

I am, &c.  
(signed) *F. Rogers.*

— No. 8. —

No. 8.  
Sir S. Cunard,  
Bart., to the Duke  
of Newcastle, K.G.  
2 October 1861.

COPY of a LETTER from Sir *S. Cunard*, Bart., to His Grace the Duke of  
*Newcastle*, K.G.

Bush-hill House, Edmonton,  
2 October 1861.

My Lord Duke,

THE Commissioners appointed by Her Majesty to investigate certain questions at issue between the proprietors and tenants in Prince Edward Island, having submitted their report to your Grace, the substance of it has been published in the Island newspapers. Assuming that the publication, which is stated to be semi-official, is correct, I have to request that your Grace will permit me, as one of the largest proprietors in the Island, to submit a few remarks for your information.

I should



I should state that a township of land consists of 20,000 acres; that any person wishing to take a lease has the right of selecting such land as he chooses; that by this means the best land is taken, and the swamps and marshes are left to the proprietor; that having made his selection, the applicant receives from my agent a lease for 999 years, rent-free for a certain number of years, then at a very low rate until the full rent of 1 s. per acre is reached; and, by a clause in the lease, the tenant has the right to the fee-simple, at 20 years' purchase; that the leases are generally for 50 or 100 acres, so that the full rent is from 2 l. 10 s. to 5 l.

It is reported that, by the award of the Commissioners, the tenant, although he has taken a lease from my agent on the terms set forth, may compel me to have his farm valued by arbitrators, and then take it at the price they fix. I will endeavour to show your Grace that this clause is illegal, and would be ruinous to the proprietor. It is, I think, illegal, because, though the Commissioners were authorised to fix a rate of commutation, they were not authorised to delegate their authority to others, much less to compel the proprietors to appoint others to do what was referred to the Commissioners to decide. It is illegal, because it is contrary to the principles of the Resolution of the House of Assembly on which the reference was based, viz. that the persons selected should be unconnected with the Island, the award leaving the most important subject of the reference still to be decided, and by persons objectionable as being residents of the Island.

It would be ruinous to the proprietor, because it holds out an inducement to every tenant to demand an arbitration, for while he cannot have a maximum of more than 20 years' purchase to pay, he may, by the decision of an arbitration, have only two or three. It would subject the proprietor to enormous costs, amounting in many instances to one-half of the value of the farm. As the proprietor could hardly be expected to agree to arbitrators selected from among the tenants, two persons would have to be selected in Charlotte Town to proceed to the farm: supposing the distance to be 70 miles, the travelling expenses, at 4 d. per mile going and returning for two persons, would be 4 l. 13 s. 4 d.; they could not go and return in less than five days, and you would have to pay any competent person 20 s. per diem, which would be 10 l., making 14 l. 13 s. 4 d.; to this would have to be added the expenses of the agent of the proprietor, who must attend to uphold his interest (an expense which the tenant, being on the spot, would be spared), say 7 l. 6 s. 8 d., or 22 l. in all. Should the arbitrators not agree, the additional expense of an umpire, or 7 l. 6 s. 8 d., would have to be added. These costs would have to be paid by either the proprietor or the tenant, and the number of tenant farmers in the Island being about 7,300, you would have at least 7,000 arbitrations, and if the taxable costs amounted to only 10 l., which would, I think, be far within the average, there would be 70,000 l. of costs to be paid by proprietor or tenant. If, after the arbitrators had decided upon the rate of purchase, the tenant should decline to take the farm at the price named, by what means are the costs incurred to be collected except by lawsuits and fresh expenses. The tenant might insist upon having one of his neighbours, a tenant, as an arbitrator; this would diminish the travelling expenses stated, but would lead to a system of annoyance and wrong to the proprietor which would render the land valueless.

I have no knowledge of the mode by which the Commissioners have decided that the various questions submitted to them should be settled, but the clause respecting arbitration, which it is reported that the Commissioners have suggested, appears to me not only to be illegal, and fatal to the interests of the proprietors, but so certain to produce litigation between landlord and tenant, that I trust your Grace will excuse my having submitted my view to your notice. I have not been able to see any of the other proprietors, or I should have requested them to join me in this remonstrance to your Grace.

I have, &c.  
(signed) S. Cunard.

## — No. 9. —

No. 9.  
Sir S. Cunard,  
Bart., to Duke of  
Newcastle, K.G.  
14 November 1861.

COPY of a LETTER from Sir S. Cunard, Bart., to his Grace the Duke of  
Newcastle, K.G.

Bush Hill House, Edmonton,  
14 November 1861.

\* Page 78.

My Lord Duke,  
IN the letter I had the honour to address to your Grace on the 2d October\* relative to Prince Edward Island affairs, I made a mis-statement, which I wish to correct: I said, that "by a clause in the lease the tenant has the right to the fee-simple at 20 years' purchase." My agent informs me that the clause is not inserted in the lease, but that each tenant was informed, at the time of taking the lease, that such were the terms, and many of them have availed themselves of these conditions, upwards of 30 of my tenants having, within the last few years, come forward and paid the 20 years' purchase, and have received deeds conveying to them their farms in fee-simple. No one has been refused; the tenants are therefore quite in as good a position as if the clause were inserted in the lease, and I am confident that they do not entertain any doubt about it.

I have, &c.  
(signed) S. Cunard.

## — No. 10. —

No. 10.  
C. Fortescue, Esq.,  
M.P., to Sir S.  
Cunard, Bart.  
28 November 1861.

COPY of a LETTER from C. Fortescue, Esq., M.P., to Sir S. Cunard, Bart.

Sir,

Downing-street, 28 November 1861.

I AM directed by the Duke of Newcastle to acknowledge the receipt of your letters of the 2d of October and 14th of November last, and to acquaint you that the important subject of the Commissioners' Report on the land tenures of Prince Edward Island, will not fail to receive in all its bearings the careful consideration of Her Majesty's Government.

I am, &c.  
(signed) C. Fortescue.

## — No. 11. —

No. 11.  
T. F. Elliot, Esq.,  
to Sir S. Cunard,  
Bart.  
22 March 1862.

COPY of a LETTER from T. Frederick Elliot, Esq., to Sir S. Cunard, Bart.

Sir,

Downing-street, 22 March 1862.

† Page 75.

I AM directed by the Duke of Newcastle to refer you to a letter dated the 13th of February 1860,† signed by yourself and by Mr. Edward Cunard, Sir Graham Montgomery, Lord Selkirk, Mr. James Montgomery, and Mr. Laurence Sullivan, expressing the concurrence of yourself and the other gentlemen, as proprietors of land in Prince Edward Island, in the contemplated commission of inquiry into the land question in that colony, and proposing that the expense should be borne in three equal shares by Her Majesty's Government, by the Assembly, and by the proprietors. I am further desired to refer to a letter to you from this department, dated the 30th of June 1860, which enclosed a Despatch to the Governor of Prince Edward Island, naming the sum of 200 l. as the indemnity to be paid to each of the Commissioners for his labours. The inquiry afterwards proved so much longer and more laborious than was expected, that Her Majesty's Government have doubled the amount of this remuneration, besides which a variety of miscellaneous expenses occurred in the investigation. Her Majesty's Government do not propose, however, to call on the other parties to the inquiry for any of the unforeseen and surplus expenditure; this will be undertaken by the Imperial Treasury, which will also issue the required amounts to all the Commissioners and other persons having claims in respect of this service. But I am to request that you, and the other gentlemen associated with you, will pay into the hands of the Paymaster General, Whitehall, the sum of 200 l.,  
which



which was originally named as the remuneration to the Commissioners, named on their behalf, in order to reimburse Her Majesty's Government to that extent for the issues made by them to liquidate the accounts of the Commission.

I am, &c.  
(signed) *T. Frederick Elliot.*

— No. 12. —

COPY of a LETTER from Sir *S. Cunard*, Bart., to *C. Fortescue*, Esq., M.P.

Sir, Bush Hill House, Edmonton, 24 March 1862.

I BEG to acknowledge the receipt of your letter of the 22d instant, requesting the proprietors of Prince Edward Island who signed a letter addressed to his Grace the Duke of Newcastle, dated the 13th February 1860, with reference to the contemplated commission of inquiry into the land question in that Island, to pay the sum of 200 *l.* for their portion of the expense of the Commission, Her Majesty's Government having most liberally agreed to pay the remainder of the expense incurred by the Commissioners.

I beg to enclose a cheque for 200 *l.* in favour of the Paymaster General. I have not seen any of the proprietors, but I feel satisfied that they will approve of what I have done.

I have, &c.  
(signed) *S. Cunard.*

— No. 13. —

COPY of a LETTER from *C. Fortescue*, Esq., M.P., to Sir *S. Cunard*, Bart.

Sir, Downing-street, 31 March 1862.

I AM directed by the Duke of Newcastle to acknowledge the receipt of your letter of the 24th instant, and of the cheque therein enclosed for the sum of 200 *l.*, in payment of the charge allotted to the proprietors of land in Prince Edward Island, in respect of the Commission of Inquiry into the Land question in that Colony. The cheque has been forwarded to the Paymaster General to be carried to the public credit.

I am, &c.  
(signed) *C. Fortescue.*

— No. 14. —

COPY of a LETTER from Sir *S. Cunard*, Bart., and others, to His Grace the Duke of Newcastle, K.G.

My Lord Duke,

Bush Hill House, Edmonton,  
28 March 1862.

THE suggestion that we should adopt the rates of commutation offered by Her Majesty's Government in 1833 for the redemption of the quit rents, has received our consideration.

In agreeing to the Commission asked by the Assembly, we were influenced by a sincere desire for the termination of all disputes, and the removal of all causes of discontent as far as it could be accomplished without the entire surrender of rights in all parts of Her Majesty's dominions secured to Her subjects.

We heard without apprehension of the extraordinary arbitration clause stated by Mr. Howe to be contained in the report of the Commissioners, because we felt convinced that in making it the Commissioners had exceeded their authority, and that, even had its legality been doubtful, its consequences would have been so mischievous, and its operation so injurious to both landlord and tenant, that neither could sincerely desire its confirmation. Its being now pronounced illegal renders further comment respecting it on our part unnecessary.

We refrain from expressing any opinion on that part of the award which sweeps away thousands of pounds of arrears of rent as justly due to us as any

No. 12.

Sir S. Cunard,  
Bart., to C. Fortescue,  
Esq., M.P.  
24 March 1862.

No. 13.

C. Fortescue, Esq.,  
M.P., to Sir S.  
Cunard, Bart.  
31 March 1862.

No. 14.

Sir S. Cunard,  
Bart., and others,  
to Duke of New-  
castle, K.G.  
28 March 1862.

debt due from a customer of a banker or tradesman is due to them, because being a matter within the submission, we know that whether just or not it would be binding; nor do we now stop to consider how far we might avail ourselves of the illegality of the arbitration clause, to resist the confirmation of an award containing provisions so detrimental to our interests, because we feel, that after the trouble your Grace has taken to bring the matter to a satisfactory conclusion, a resort to objections of that kind on our part would be unbecoming.

Great as is the sacrifice, we have determined to acquiesce in the suggestion of your Grace by the following offer:--

"We will permit our tenants during the period of five years from the 1st of May 1862, to buy at 15 years' purchase, during the next period of five years at 18 years' purchase, and at all subsequent periods at 20 years' purchase; the right to extend to unexpired terms of 21 years."

We do not oblige ourselves to receive the purchase-money by instalments, an arrangement which (besides being otherwise objectionable) would, we think, in practice give rise to difficulties, outweighing any benefits that would accrue to the tenants from its adoption; indeed, your Grace will observe, that as the two periods during which the tenants under the proposed arrangement will have the right to purchase at 15 and 18 years respectively, covers the whole of the 10 years during which by the award they would be entitled to purchase at all; and as the rate during the last of such two periods is the same as that fixed in the award when all is paid down, and the first much less, it will evidently be more advantageous to the tenants than the award itself. The right to purchase not to extend to lands comprising mill sites, and of course not to farms which may have been let with the houses and buildings of the landlord on them.

We think the power to select 1,500 acres over which the right to purchase shall not extend, might render many uncertain whether the privilege would be allowed them; we feel that in any arrangement certainty of the right to purchase as well as of the amount to be paid should be secured to the tenants, and we therefore waive any advantage which the adherence to this provision might confer on us.

During the pendency of this matter, we have observed with regret that the Island papers have endeavoured to impress the people with the most incorrect notions of the effect of the different provisions in the award; by the one they have been told that no rent was to be paid till its publication or confirmation; by another that as all arrears previous to 1858 were remitted, those who were not in arrear would be entitled to an allowance for rent paid previous to that period; and the same paper generally understood to be the organ of the Island Government, has industriously laboured to persuade them that the arbitration clause would be so modified in the Legislature as to enable them to purchase in most cases for sums so small as would amount to a confiscation of our property. Absurd as such misrepresentations may appear, they have had the effect of proving seriously injurious to us, compelling our agents in many instances to resort to actions to enforce payment of the current rent, and seriously curtailing the aggregate amount of the ordinary income.

We fear that should any general proposition be submitted, and the framing of the Act necessary to give effect to it left to the Island Government, it would be so distorted for election or political purposes, that it would in the end prove abortive, while a course similar to that already pursued would inflict on us a continuance of the evils we now experience.

Under these circumstances we must request your Grace to consider our offer subject to this condition, viz., that a Bill containing the provisions necessary for carrying it into effect shall be prepared, under the direction of your Grace, and sent out to the Governor to be laid before the Island Legislature, it being understood that no further concession on our part will be made.

We have, &c.

(signed)

*S. Cunard.*

*E. Cunard.*

*Laurence Sullivan.*

*G. Graham Montgomery,*

*for Self and James Montgomery.*



## Enclosure in No. 14.

A BILL for settling Differences between Landlord and Tenant, and to enable Tenants on certain Townships to purchase the Reversion of their Farms.

Encl. in No. 14.

WHEREAS by a certain address of the House of Assembly of this Island, pursuant to certain Resolutions passed by the said House, it was prayed that Her Majesty's Government would be pleased to direct a Commission to inquire into the existing relations between Landlord and Tenant, and to negotiate with the proprietors for abatement of arrears of rent, and also for terms to enable the tenants to purchase the reversion of their farms: And whereas Sir Samuel Cunard, Baronet, Edward Cunard, Sir Graham Montgomery, James Montgomery, the Right Honourable Laurence Sullivan, Daniel Hodgson, William Cundall, John Roach Bourke, the Honourable Thomas Heath Haviland, John A. McDonald, and the Honourable Edward Palmer, and Henry Palmer, proprietors of the several township lands mentioned in the Schedule to this Act marked (A.), did agree to the issuing of such Commission: And whereas a Royal Commission was thereupon issued, which is as follows:

" VICTORIA R.

" Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen Defender of the Faith:—To all to whom these Presents shall come, greeting. Whereas We have been moved by the Assembly of Our Island of Prince Edward to appoint Commissioners to inquire into the differences now prevailing in Our said Island relative to the rights of landowners and tenants in Our said Island, with a view to the settlement of the same on just and equitable principles: And whereas the said Assembly has further by a Resolution, dated the 14th day of April last, set forth its agreement to abide by the decision of any such Commissioners or the majority of them, and to concur in whatever measures may be requisite for giving validity to their decision: And whereas it is highly desirable that the said differences should be adjusted: Now know ye that We, taking the premises into Our Royal consideration, are graciously pleased to nominate and appoint Our trusty and well-beloved John Hamilton Gray, Esquire, our trusty and well-beloved Joseph Howe, Esquire, and Our trusty and well-beloved John William Ritchie, Esquire, to be Our Commissioners for inquiring into the said differences, and for adjusting the same on fair and equitable principles.

" Given at Our Court at Buckingham Palace, this twenty-fifth day of June 1860, in the twenty-fourth year of Our reign."

" By Her Majesty's Command,

" *Newcastle.*"

And whereas the said Commissioners, by their report, did find and declare that the said township lands were not liable to forfeiture in consequence of any omission to perform, or any non-performance of any of the conditions in the original grants thereof; and also that no arrears of the quit-rents by the said grants reserved are now due or recoverable from the proprietors, tenants or occupiers of such lands; and also, that the proprietors, their tenants or occupiers, should be quieted in their possession of certain parts of the said lands called or known as "The Fishery Reserves," and did also declare and award that all arrears of rent which accrued due to the said proprietors in respect of any of the said lands previous to the

1858 should be remitted to the tenants, and did also fix certain rates at which they should have a right to purchase the reversion of their farms: And whereas the said Commissioners did also, by their report, direct and provide that in certain cases the value of the lands should be ascertained by arbitrators to be appointed by the landlords and their tenants, in making which last direction or provision the said Commission exceeded the authority intended to be given them by the Assembly and the said proprietors; and the same, if confirmed by Act, might give rise to many disputes and much litigation between landlords and tenants, and such a direction or provision cannot be allowed or confirmed: And whereas it is nevertheless expedient, for preventing the tenants being deluded by the agitation of impracticable projects based on certain questions called in the said resolutions "The Escheat Question," "The Fishery Reserve Question," and the "Quit-rent Question," as well as for securing to them the benefit arising from the remission of arrears of rent and the right to purchase the reversion of their farms; that the declarations, provisos or directions relative thereto should be confirmed in the manner and under the provisos hereinafter mentioned: And whereas the said proprietors have agreed, during the several periods hereinafter mentioned, to adopt the rates of commutation fixed by Her Majesty's Government for the commutation of the quit-rents as the rates at which they will permit their tenants to purchase the reversion of their respective farms, and which rates are more advantageous to the tenants than the rates fixed in the said award.

1. Be it therefore enacted, by the Lieutenant Governor in Council and Assembly, that from and after the passing of this Act, every tenant of any of the proprietors in the said schedule named, having, at the time of his desiring to exercise the right of purchase hereinafter given, an unexpired term of not less than 21 years' under written demise in any of the township lands of such proprietors therein mentioned, shall have a right or option to purchase the reversionary interest of such proprietor, his heirs or assigns therein, at the rates hereinafter mentioned (that is to say): during the first period of five

years from the 1st day of May 1862, every such tenant shall have a right or option to purchase such reversionary interest at 15 years' purchase of the yearly reserved rent; during the next period of five years every such tenant shall have a right or option to purchase such reversionary interest at 18 years' purchase of the said yearly reserved rent; and during all subsequent periods every such tenant shall have a right or option to purchase such reversionary interest at 20 years' purchase of the said yearly reserved rent: Provided always, that in any case where the reserved yearly rent during the first portion or years of the term shall be less than the yearly rent reserved during the residue of such term, the amount of the purchase-money shall be computed by multiplying the maximum or full rent reserved during such residue of such term by the number of years' purchase at which such tenant may, under the provisions aforesaid, be entitled to purchase.

2. Be it further enacted, that the hereinbefore recited declarations or award of the said Commissioners respecting the escheat or forfeiture of the lands and the arrears of quit-rents, and the lands called or known as the Fishery Reserve, and also concerning the remission to tenants of arrears of rent which have accrued due previous to the day of 1858, and which are now unpaid, be and the same is hereby declared to be valid and binding at law and in equity.

3. Be it further enacted, that in any action hereafter to be brought by any of the said proprietors, their heirs or assigns against any such tenant, for the recovery of rent which may have accrued due previous to the day of 1858, under any such demise as aforesaid, this Act (as to so much of the demand as relates to rent accrued due previous to such last-mentioned date) shall be a good defence under the general issue, without the same being specially pleaded in bar thereto.

4. That nothing in this Act shall be construed to entitle the tenant of any farm or lands comprising any mill site or water power capable of being used for the driving of any saw or grist mill, to claim any such remission of arrears of rent, or a right to purchase the reversion thereof as aforesaid.

5. That this Act shall not extend to any lease or demise, where the unexpired term shall be less than 21 years; nor to any lease or demise of any farm or lands having at the time of the granting thereof, any houses, buildings or other improvements of that description thereon, unless such houses, buildings or other improvements shall have been erected or placed thereon by such lessee, or some person from whom he may have received possession thereof before the granting of such lease.

6. That no tenant shall be entitled to claim the right or option to purchase under this Act, unless all arrears of rent, and which may be recoverable by action, shall be first fully paid and satisfied.

7. That in case the tenant shall desire to purchase between the periods or days on which the rent falls due, the same shall be apportioned and the portion there found to be due added to the purchase-money payable by such tenant under the provisions of this Act.

8. That nothing in this Act shall extend to any lease made after the passing of this Act.

9. That no landlord shall be compelled to sell under the provisions of this Act unless the whole of the purchase-money be tendered or offered to be paid.

#### SCHEDULE (A.)

*Sir Samuel Cunard*—Proprietor of townships, numbers Two (2), Fourteen (14), Twenty-one (21), Thirty-two (32), Forty-four (44), Sixty-three (63), Sixty-four (64), and of halves of townships numbers Twenty (20), Forty-five (45), Forty-six (46), Forty-nine (49), and parts of townships, Eight (8), Forty-eight (48), Fifty-five (55), and Sixty-five (65), also one-third part of township Twenty-seven (27).

*Mr. Edward Cunard*—Proprietor of townships numbers Four (4), Five (5), Six (6), and half of township number One (1).

*Right Honourable Laurence Sullivan*—Proprietor of townships numbers Nine (9), Sixteen (16), Twenty-two (22) and Sixty-one (61).

*Sir Graham Montgomery*—Proprietor of the one-third ( $\frac{1}{3}$ ), parts of townships numbers Fifty-one (51), Fifty-nine (59), and Thirty-four (34).

*Honourable Thomas H. Haviland*—Proprietor of township number Fifty-six (56), and parts of townships numbers Forty-three (43), Forty (40) and Eight (8).

*Henry and Edward Palmer*—Proprietors of half of township number One (1).

*Mr. Daniel Hodgson*—Proprietor of part of township number Twenty-three (23).

*Mr. William Cundall*—Proprietor of part of township number Twenty (20).

*Mr. John A. McDonald*—Proprietor of parts of townships numbers Thirty-five (35) and Thirty-six (36).

*Mr. John R. Bourke*—Proprietor of half of township number Thirty-seven (37).

*James Montgomery, Esq.*—One-third part of townships numbers Fifty-one (51), Fifty-nine (59) and Thirty four (34).



— No. 14\* —

COPY of a LETTER from *C. Fortescue, Esq., M.P.*, to *Sir Samuel Cunard, Bart.* No. 14\*.  
*C. Fortescue, Esq.,  
M.P., to Sir S.  
Cunard, Bart.  
28 March 1862.*

Sir,

Downing-street, 28 March 1862.

I AM directed by the Duke of Newcastle to inform you, that he has had under his most serious consideration the report made by the Commissioners appointed to inquire into the differences prevailing in Prince Edward Island relative to the rights of landowners and tenants. In considering that report, his Grace has also given careful attention to the representation made by you as one of the principal landowners in your letter of \*2d October last.

\* Page 78.

Your knowledge of the Report of the Commissioners was derived from a statement made by Mr. Howe at a public meeting, which was published in the local papers. The Duke of Newcastle considers that the landowners of Prince Edward Island should now be put fully and formally in possession of the Report; I am therefore directed to enclose a printed copy of it for your and their information.

The suggestions of the Commissioners for the settlement of the landowner and tenant question are two. First, that the operation of the Land Purchase Act should be extended to the whole island, the British Treasury assisting the Local Treasury by a guarantee to the extent of 100,000 *l.* Second, if that cannot be done, that a system of compulsory sale under arbitration should be organised.

To the first suggestion, the Duke of Newcastle is unable to accede. He does not consider that the condition of Prince Edward Island is such as to justify an application to Parliament for the guarantee of a loan on its behalf; and even if such a guarantee were given, and a loan raised, it does not appear certain that it would be effectual for the purpose.

To the second suggestion, you have as a landowner stated certain grave objections. You object that the arrangement proposed is not an award by the Commissioners, but the suggestion of a mode of obtaining an award through others; that consequently it is not in conformity with the agreement between Her Majesty's Government and the proprietors, nor with the address of the Assembly to the Crown, and that it would place the landowners at the mercy of the opposite party, and would probably involve an extravagant expense, which would fall exclusively on them. His Grace cannot deny the weight of these objections, nor assuming that they would be adopted by other landowners, could he feel entitled in the face of them to claim the landowners' acceptance of the Commissioners' recommendation, by virtue of the assent which they gave to the appointment of the Commission.

But his Grace would regret extremely if the difficulty of adopting either course suggested by the Commissioners should involve the necessity of abandoning all hope of compromising the differences which have so long distracted the Colony, and he has accordingly directed his attention to the possibility of devising some other scheme by which those differences might be reconciled without injustice, or too great a sacrifice on either side. The project to which his Grace has been led, I am now to convey to you, and to request that it may receive the careful consideration of yourself and the other owners of estates in Prince Edward Island. His Grace would be glad to be informed as soon as convenient of the result of your deliberations. It would be evidently desirable that he should have the opportunity of weighing any suggestions which you may offer before communicating the scheme to the Governor of Prince Edward Island for the consideration of the Local Legislature.

The object to be aimed at is to secure to the landowner, if not all to which he is legally entitled, yet all that he has hitherto received, on a safer footing than before, and to place the tenant in a more definite and encouraging position, in which he may know exactly, once for all, the terms on which he may acquire his land. It occurs to the Duke of Newcastle that this might be accomplished by enabling the Local Government to treat for the purchase of the landowners' rights, and their subsequent sale to the tenant, thus interposing the Government between the two parties, making it debtor to the one for the price of his land, and creditor to the other for the amount of his rent. The mode in which the Duke of Newcastle would propose to work out the arrangement, is as follows:—

He would propose that a tribunal should be constituted to which the owners and tenants on an estate should be at liberty to apply whenever they should

agree to desire the commutation of their tenure ; that on such application the tribunal should ascertain the amount of rent reserved in the lease of the land in question, and the amount actually paid for a period of (say) 14 years ; that the mean between the two should be taken as the actual rent, and that the price of the fee-simple should be 16 years' purchase of the rent so ascertained. If the tenant could pay that price at once the transaction might be at once completed ; if he could not, the Government should issue to the landowner debentures for the amount, bearing interest at 6 per cent., secured, as I shall hereafter explain, on the colonial revenues, and a mortgage for the amount at the same interest should be taken by the Government over the land so enfranchised. The effect would be, where rents had been regularly paid, to give the landlord 16 years' purchase of the amount reserved in his lease ; where they had been irregularly paid, 16 years' purchase of more than he had received, but less than he was legally entitled to claim ; and where they had not been paid at all, 8 years' purchase of his legal rent. The number of years purchase has been fixed with reference to the interest of money in Prince Edward Island, which is assumed to be 6 per cent.

To provide the interest of the debentures so to be issued would not, judging from the Commissioners' Report, involve any difficulty ; but to ensure perfect security his Grace would propose to the Legislature that the amount of debentures to be issued in any one year should not exceed 30,000 £ ; that some special tax should be exclusively appropriated by Act to the liquidation of the interest upon them, and that they should moreover form a first charge on the colonial revenues generally. The interest on the mortgages to be taken by the Government over enfranchised land would form a further security, and would provide the means of gradually paying off the principal. The selection of properties to be enfranchised, if they should in any year exceed the value of the debentures to be issued, should as far as possible, by priority of application, and the decision as to the debentures to be from time to time paid off should be made by lot ; these minor points, however, the Duke of Newcastle would be disposed to leave generally to the decision of the local legislature. The debentures or money to be received in payment for land, must of course be made subject to whatever liabilities or obligations the land itself was subject to, and provision must be made for ascertaining the title of the reputed owner of land to be dealt with, and for verifying the returns of rents said to have been paid ; it would be for the local legislature to decide whether these duties should be delegated to one of the existing courts of the island, or whether an officer should be specially appointed for the purpose ; whichever were adopted would evidently be the tribunal to which applications for the benefit of the scheme should be addressed in the first instance.

This is a general outline of the scheme which the Duke of Newcastle would propose. You will observe that, for the present at least, his Grace desires to leave its operation voluntary ; he trusts, however, that it would not for that reason, be less widely resorted to ; the benefit to the landowners would be that it would relieve them from the delay and expense involved in any arbitration scheme ; that it would enable them to ascertain exactly the price for which they might be required to sell their land, and that if this price were not paid down it would substitute a Government annuity receivable without delay or difficulty for a precarious and uncertain rent ; to the tenant it would bring certainty and confidence, and, by putting an end to the irritation which has so long distracted the Colony, would enable him to devote himself undisturbed to his appropriate occupations.

It will be a source of sincere satisfaction to the Duke of Newcastle, if through his intervention the agitation of past years may be put an end to in Prince Edward Island, and the Colony be enabled to pursue the career of prosperity for which its position and capabilities eminently adapt it.

I am, &c.  
(signed) C. Fortescue.



## — No. 15. —

COPY of a LETTER from Sir *S. Cunard, Bart.*, to His Grace the Duke of Newcastle, K.G.

No. 15.  
Sir S. Cunard,  
Bart., to the Duke  
of Newcastle, K.G.  
2 April 1862.

My Lord Duke,

London, 2 April 1862.

I HAVE just received a letter from the Governor of Prince Edward Island, in which he says that a Bill "allowing the tenants permission to purchase at 15 years' rent would settle the long-vexed question in a week."

The Bill that I submitted to your Grace, not only allows that permission, but gives five years to the tenants to enable them to provide the money.

If your Grace could therefore send out the Bill by the packet on Saturday next, it would be in time to be passed by the Legislature now in Session, but if it is deferred until the next packet, it will be too late, and another year of agitation will take place, during which no rent will be paid.

I therefore entreat your Grace to be so good as to send out the Bill by this packet; it will be of great service to the proprietors, and to the tenants also.

I have, &c.  
(signed) *S. Cunard.*

## — No. 16. —

COPY of a LETTER from Sir *F. Rogers, Bart.*, to Sir *S. Cunard, Bart.*

No. 16.  
Sir F. Rogers,  
Bart., to Sir S.  
Cunard, Bart.  
5 April 1862.

Sir,

Downing-street, 5 April 1862.

I AM directed by the Duke of Newcastle to acknowledge your letter of the 2d instant, in which you request that he will forward to Prince Edward Island by to-morrow's mail a draft Bill, enclosed in a letter of the 28th ultimo\*, signed by yourself and other proprietors of land in that Colony.

This request is not exactly the same as that which concludes your letter of the 28th, which was to the effect that he would cause a Bill to be framed and sent out to the Governor.

His Grace readily acquiesces in the request contained in your letter of the 2d. He will therefore forward the draft Bill by the mail of to-day. And it will become unnecessary that the Prince Edward Island proprietors should take into consideration the proposals contained in my letter to you of the 28th\* ultimo, until it appears how the draft Bill is received by the Prince Edward Island Legislature.

I am to observe that the schedule to the Bill contains the names of several proprietors who have not signed the letter of the 28th. It would be very desirable that the Governor should be authoritatively informed who are the consenting parties to the Bill besides yourself, Sir Graham Montgomery, and Messrs. E. Cunard, James Montgomery, and L. Sullivan.

I have, &c.  
(signed) *Frederic Rogers.*

\* Page 81.

\* Page 83\*.

## — No. 17. —

COPY of a LETTER from Sir *F. Rogers, Bart.*, to Sir *S. Cunard, Bart.*

No. 17.  
Sir F. Rogers,  
Bart., to Sir S.  
Cunard, Bart.  
3 December 1862.

Sir,

Downing-street, 3 December 1862.

I AM directed by the Duke of Newcastle to transmit to you the enclosed copy of a Despatch from the Lieutenant Governor of Prince Edward Island, containing the decision of his Government on the draft Bill, embodying a plan for enabling the tenants to purchase their holdings, which was forwarded to the Colony at the request of yourself and other principal proprietors in the Island.

The decision of the local Government in this matter has been delayed to the present time because the Council declined to entertain the measure so long as the Acts of the Legislature for giving effect to the award of the Commissioners were under consideration. Those Acts having been disallowed by Her Majesty, your

No. 65.  
17 Sept. p. 36.

proposals were, by his Grace's desire, again submitted to the Council. It will be seen, however, that they decline to recommend their adoption.

A second Despatch from the Lieutenant Governor is also enclosed, which contains the opinions of Messrs. Gray, Howe, and Ritchie on the Bill.

I am desired to request that you will inform the Duke of Newcastle whether under these circumstances the proprietors intend to press their proposal any further. Should that not be their intention it would rest with his Grace to make some suggestion to the Legislature, which he would desire if possible to be made with their concurrence, and with regard to which he would be ready to enter into communication with them, remembering, of course, that nothing can be worse for all parties than the continuance of the present state of uncertainty on the subject.

I am, &c.  
(signed) *Frederic Rogers.*

— No. 18. —

COPY of a LETTER from Sir *S. Cunard*, Bart., to Sir *Frederic Rogers*, Bart.

Sir,

26 Prince's Gardens, 30 January 1863.

I HAVE to acknowledge your communication of the 3d December,\* enclosing copy of a Despatch from the Governor of Prince Edward Island with the decision of the Government, refusing to entertain the Bill for enabling tenants to purchase their farms; also opinions of Messrs. Howe, Gray, and Ritchie on the Bill, and requesting me to inform his Grace the Duke of Newcastle, whether the proprietors intend to press their proposal any further.

In reply I beg to say, that in making that proposal, myself, and the other proprietors who acted with me, conceived ourselves making very great sacrifices in favour of our tenants; as they, through their Government, have thought fit to reject the boon we offered, it is neither our interest nor desire to press the matter on them. I conceive we now stand as we were before we agreed to the Commission. The very imprudent and unjust conduct of the Commissioners in sweeping away almost all the arrears of rent, will, I find, involve a much greater pecuniary loss than I ever contemplated; but had not the absurd arbitration clause rendered the whole proceedings void, having given the Commissioners power over the arrears, we should have submitted to the loss without remonstrance.

Aware of the disappointment that would be felt on the award being found to be illegal, we offered the Bill, without altering any portion of the decision, except substituting for the illegal arbitration clause, a rate of commutation lower than otherwise we should have thought of granting.

The rejection of our offer has absolved us from all conventional arrangements; it would require consideration, before agreeing to renew our offer, even if it were desired. I need hardly say that any suggestions which his Grace may see fit to make to us, will receive our most respectful attention, and while, I trust, the manner in which myself, and the other proprietors, have acted from the first, will be viewed as a pledge of our readiness to acquiesce in any reasonable proposal, I must observe, that being now free from all conventional obligations, I must disclaim all right on the part of the Island Legislature, or the Imperial Government (without our concurrence) to interfere with our property, in any manner different from that in which private estates in England could be dealt with. With respect to the opinions of the Commissioners, I may remark that they only confirm what appears on the face of the report, namely, that they have acted on principles utterly opposed to right and justice. In their report, page 25, they say, "that industry or idleness, good health or sickness, a sick family, or a barren bed, or many children, may affect the value of farms." Now, though these circumstances might render one person less able to purchase than another, I cannot see that the marketable value of productive land can be depreciated by the sterility of the tenant's wife, or the industry or idleness, health or sickness, of himself or his family.

The Commissioners remark, that it would be unfair to demand as much for a farm worn out by cropping as for one skilfully managed.

If

No. 66.  
17 Sept. p. 37.

No. 18.  
Sir S. Cunard,  
Bart., to Sir F.  
Rogers, Bart.  
30 January 1863.  
\* Page 85.



If farms are given to two individuals, and one by proper management grows rich, while the other by his management runs his out and remains poor, it is not the landlord's fault, nor should he on that account receive less for his reversionary interest, because, if the tenant pays his rent, the landlord is not injured, and if he does not, he can enter and sell, and let the farm to one who will.

The assertion of these gentlemen, that if the landlord re-entered, he could not, in many cases, sell the farm for 15 years' purchase of the rent, is entirely contrary to the fact.

I believe there is not an improved farm on my estate, which, if surrendered to-morrow, would not sell for 15 years' purchase, and I believe very few indeed which would not realise double that amount.

They have evidently acted on the monstrous principle that the amount of commutation should be proportioned to the circumstances of the tenant, and not to the beneficial interest of the landlord.

My tenants hold under duly executed leases, and can compel me to fulfil my engagements to them, and I hope and trust that his Grace the Duke of Newcastle will not give his sanction to an act of the Island Legislature calculated to deprive me, and the other proprietors, of our property.

I remain, &c.  
(signed) *S. Cunard.*

— No. 19. —

COPY of a LETTER from *T. Frederick Elliot, Esq.*, to Sir *S. Cunard, Bart.*

No. 19.  
*T. F. Elliot, Esq.,*  
to Sir *S. Cunard,*  
*Bart.*  
14 February 1863.

Sir,

Downing-street, 14 February 1863.

I AM directed by the Duke of Newcastle to acknowledge the receipt of your letter of the 30th ultimo.

As it appears from the contents of that letter that the proprietors who are co-operating with you consider "their offer of the 28th of March last to be now finally disposed of," his Grace desires me to inquire if you have any observations to make on the letter addressed to you from this Department on the 28th March 1862, which has hitherto received no answer.

I am, &c.  
(signed) *T. Frederick Elliot.*

— No. 20. —

COPY of a LETTER from Sir *S. Cunard, Bart.*, to *T. Frederick Elliot, Esq.*

No. 20.  
Sir *S. Cunard,*  
*Bart.*, to *T. F.*  
*Elliot, Esq.*  
24 February 1863.

Sir,

26, Prince's Gardens, 24 February 1863.

I HAVE to acknowledge the receipt of your letter of the 14th instant, requesting to be informed if I have any observations to make on the letter addressed to me on the 28th March 1862, which has hitherto remained unanswered.

I beg to say, that I thought the letter from the proprietors, dated the 28th March,\* which would be received at the Colonial Office the same day on which the letter referred to was sent to me, would be considered as embracing a reply to that letter, as it contained the sentiments of the proprietors on the subject.

I have not seen any of the proprietors lately, but I am sure they could not agree to the proposals contained in the letter of the 28th March; it suggests the constitution of a tribunal to deal between owners and tenants, which could not be entertained. It proposes that a tenant who has paid his rent regularly for 14 years, should be entitled to the fee-simple at 16 years' purchase, to which there would be no objection, but it further proposes, that the tenant who does not pay his rent shall be entitled to purchase at eight years, which would operate as a premium against paying rent at all.

There is no tenant on the Island who cannot pay his rent, if he is industrious and sober, and he can also lay past in a few years, as much money as will enable

\* Page 81.

him to purchase his farm; many of my tenants have done so, paying me in terms of their leases, being 20 years' purchase, and they are now thriving men.

But while the agitation is kept up by designing people, rent will not be paid, nor money laid up to purchase farms; time is wasted and money spent in attending political meetings.

The tenants are told that if they continue to agitate, the Colonial Office will support them, and that they will, in the end, obtain their object; but I feel confident that his Grace will not give his sanction to such unjust proceedings.

The Bill proposed by the proprietors last year contained a most liberal offer to the tenants, and I think the Colonial Government did not study the interest of the tenants in rejecting it.

I have, &c.  
(signed) *S. Cunard.*

— No. 21. —

No. 21.  
Sir F. Rogers,  
Bart., to Sir S.  
Cunard, Bart.

11 July 1863.

COPY of a LETTER from Sir *Frederic Rogers*, Bart., to Sir *S. Cunard*, Bart.

Sir,

Downing-street, 11 July 1863.

I AM directed by the Duke of Newcastle to send you the copy of a Despatch, with an enclosure, which his Grace has this day addressed to the Lieutenant Governor of Prince Edward Island, on the subject of the land tenures in that Island, and I am to request you to be so good as to communicate the same to the proprietors in this country, who are interested in the question.

I have, &c.  
(signed) *Frederic Rogers.*

— No. 22. —

No. 22.  
Sir F. Rogers,  
Bart., to Sir S.  
Cunard, Bart.

28 October 1863.

COPY of a LETTER from Sir *Frederic Rogers*, Bart., to Sir *S. Cunard*, Bart.

Sir,

Downing-street, 28 October 1863.

I AM directed by the Duke of Newcastle to transmit to you for any observations which the landed proprietors of Prince Edward Island may have to offer, the copy of a proposal\* for the settlement of the land question, which has been submitted to his Grace by the Delegates who have come over to this country for that purpose.

I am, &c.  
(signed) *Frederic Rogers.*

— No. 23. —

No. 23.  
Sir S. Cunard,  
Bart., to Sir F.  
Rogers, Bart.

31 October 1863.

COPY of a LETTER from Sir *S. Cunard*, Bart., to Sir *F. Rogers*, Bart.

Sir,

26, Prince's Gardens, 31 October 1863.

I HAVE to acknowledge the receipt of your letter of the 28th instant (it was incorrectly addressed to Edmonton, and the delivery thereby delayed) enclosing copy of proposals submitted by the Delegates from Prince Edward Island.

I will endeavour to see some of the proprietors, and ascertain their views on the subject.

I am, &c.  
(signed) *S. Cunard.*



— No. 24. —

COPY of a LETTER from Sir *S. Cunard*, Bart., to his Grace the Duke of Newcastle, K.G.

No. 24.  
Sir S. Cunard,  
Bart., to Duke of  
Newcastle, K.G.  
14 November 1863.

My Lord Duke,

26, Prince's-gardens, 14 November 1863.

IN replying to the proposals made by the Delegates from Prince Edward Island, as set forth in their letter of the 13th ultimo,\* it may not be out of place to advert to the original granting of the Island, about 90 years ago, in large lots, which has been so much and so severely commented upon. It was an act of necessity, the Island at that time being derelict, and it was absolutely necessary to make arrangements for taking possession of it. The grantees have all lost very heavily by accepting the grants; but no individual on the Island at present has been injured by that proceeding; on the contrary, these grants have been made a fruitful source of profit to the present generation, for when money is required, for any purpose, a law is passed to raise the amount by a tax on the proprietors' land.

\* Printed at p. 120.

I can recollect the following taxes; viz., one for making the great roads in the Island, another for the encouragement of education, and another for erecting in Charlotte Town a large building for the Parliament to assemble in, and for all other Government purposes. This was a most costly edifice, being constructed of cut stone, imported into the Island; and I believe the tax was continued after a sufficient sum had been raised to cover the cost.

In the adjacent colonies all these services are defrayed out of the general revenues of the country; but in Prince Edward Island they have been raised by taxes, levied chiefly upon unproductive property, the cultivated paying only half the rate of the uncultivated land. There are many tracts of poor land which have been taxed in this way to four times the amount that the land would sell for, and in very many instances, where the agent had not sufficient money from the produce of the land to pay such tax, parcels of the best land have been sold under execution to satisfy the claim, with the addition of heavy costs.

I have paid for land taxes on my own and my son's wilderness lands, between the years 1841 and 1862, the sum of 8,641 *l.* It may be said that there has not been land for new settlers, but that is not correct; the proprietors have always been willing to supply any quantity upon most easy terms, and the Island Government have now also large quantities of land which cost only 2 *s.* 2 *d.* per acre; and as the Government are too liberal to make money by the poor settlers they will of course sell the land to them at cost price, so that persons wishing to procure land are not dependent on the proprietors. I therefore repeat that the grants so much complained of have not been an injury to the present inhabitants, but a profit to them.

In my leases the rent and purchase money are made payable in British sterling money, and were so paid for many years, until an Act was passed reducing the 1 *l.* sterling to 16 shillings; for instance, if a tenant owes me 5 *l.* sterling for rent under his lease, and I owe him five sovereigns for any article purchased of him, he would pay me 3 *l.* 15 *s.*, and I should have to pay him 5 *l.*; thus the Act reduced the value of my rent and sales 25 per cent.

A landlord is not allowed to proceed in the Small Debts Court for the recovery of rent, while all debts under 5 *l.* are recoverable in that court; and he cannot sue in the Supreme Court for a debt under 10 *l.*, and, as the rent is frequently from 2 *l.* to 2 *l.* 10 *s.*, four or five years must elapse before he can proceed in the Supreme Court; and there are also difficulties placed in the way of recovering rent in the Supreme Court.

I mention these circumstances to show the vexatious Acts that have been passed to injure the proprietors; they have been most unjustly deprived of one-fourth of their property, and difficulties placed in the way of the collection of the remainder.

Some of the propositions of the Delegates appear to be complicated and difficult to be understood, but all of them interfere with the written agreements between landlord and tenant, and go to deprive the landlord of his just rights. One proposal is for remission of arrears of rent prior to May 1858; another to reduce the term of purchase from 20 to 15 years; this would not appear to be a very just proposition when it is considered that an Act has already been passed reducing the sterling money, in which the rents and purchases are payable, to the extent of 25 per cent., so that this further demand is a further additional reduction of 25 per cent. Another proposal is that land leased originally at 1 *s.* per acre, and now paying a higher rate, should be reduced to 1 *s.* Some of my tenants are in that position. Any changes that have taken place have been matter of agreement between my agent and the tenants, and always at the request of the tenant, and for his interest. I happen to recollect an instance that will serve to illustrate the case: two tenants, on adjoining farms, owed each 50 *l.* for rent; one paid the debt, the other proposed to pay sixpence addition per acre, as commutation for the 50 *l.*, to which my agent agreed, and granted him a new lease, the current interest of the Island being 6 per cent.; the 50 *l.* gave him 3 *l.*, and he paid for additional rent only 2 *l.* 10 *s.* It was therefore to the advantage of the tenant, and he wished to have the use of the money; these two farms would now sell in the market for 600 *l.* or 700 *l.* each. Can it be just to ask to disturb such arrangements?

I will now state the terms upon which land can be at all times had. A poor man applies to my agent for 50 acres of land; he obtains it on the following terms:—

|          |   |   |   |   |   |   |                          |
|----------|---|---|---|---|---|---|--------------------------|
| One year | - | - | - | - | - | - | at 3 <i>d.</i> per acre, |
| „        | - | - | - | - | - | - | at 6 <i>d.</i> per acre, |
| „        | - | - | - | - | - | - | at 9 <i>d.</i> per acre; |

and thereafter, at 1 *s.* per acre (I having previously made a road to the land). The tenant has the privilege of cutting timber for building his house and out-houses, as well as for fuel, and also to sell for ship-building and other purposes; if he be an industrious man he will have a comfortable homestead at the end of four years, together with his 50 acres of land, and for which he is to pay annually 37 *s.* 6 *d.* sterling, or at the rate of 9 *d.* per week, and the privilege of purchasing the fee-simple at any time for 37 *l.* 10 *s.*; his agreement is for 50 *l.*; but by the Act of the Legislature the money value is reduced to 37 *l.* 10 *s.*

Now compare or contrast the situation of this man with the farm labourer in Great Britain, who cannot get a shelter for his family for double that rate per week, and is liable to be turned out at any moment by the omission to pay only one week's rental.

I have granted 1,496 leases within the last 25 years; many of the parties are comparatively rich, while some of them have purchased their freeholds, others would do so, but prefer retaining the money, being aware that they have the privilege of purchasing at any time.

I have not been able to consult with any of the proprietors; they are out of town, and I have also been away. I am therefore only now expressing my own sentiments; but I will take the earliest opportunity of seeing them, and I hope to be enabled to submit to your Grace some proposals in the form of a Bill, which I trust may meet your approbation, and be the means of producing a better feeling in the Island.

I have, &c.  
(signed) *S. Cunard.*



## — No. 25. —

COPY of a LETTER from *T. Frederick Elliot*, Esq., to Sir *S. Cunard*, Bart.No. 25.  
*T. F. Elliot*, Esq.  
to Sir *S. Cunard*  
Bart.

Sir,

Downing-street, 23 November 1863.

I AM directed by the Duke of Newcastle to acknowledge the receipt of your letter of the 14th instant,\* communicating to his Grace your views with respect to the proposals of the Delegates on the Prince Edward Island land question.

23 November 1863  
\* Page 89.

I have, &amp;c.

(signed) *T. Frederick Elliot*.

## — No. 26. —

COPY of a LETTER from *T. Frederick Elliot*, Esq., to Sir *S. Cunard*, Bart.No. 26.  
*T. F. Elliot*, Esq.  
to Sir *S. Cunard*  
Bart.

Sir,

Downing-street, 26 November 1863.

I AM directed by the Duke of Newcastle to acquaint you that his Grace has received from Mr. Pope, one of the Delegates from Prince Edward Island on the land question, a letter pressing for an early reply to the proposal submitted by himself and his colleague.

26 Nov. 1863.

His Grace deems it proper to communicate this circumstance to you although, from the tenor of the concluding paragraph of your letter of the 14th instant,† he has no doubt that no time will be lost in arriving at a decision on the subject.

† Page 89.

I have, &amp;c.

(signed) *T. Frederick Elliot*.

## — No. 27. —

COPY of a LETTER from Sir *S. Cunard*, Bart., to Sir *Frederic Rogers*, Bart.No. 27.  
Sir *S. Cunard*,  
Bart., to Sir *F.*  
*Rogers*, Bart.

Sir,

26, Prince's Gardens, 5 December 1863.

WITH reference to the letter which I had the honour to address to the Duke of Newcastle on the 14th November,‡ relative to the proposals made by the Delegates from Prince Edward Island, I now beg to submit, for the consideration of his Grace, the draft of a Bill to which I then alluded. I have since consulted with some of the principal proprietors in this country who have given their assent to the Bill; the greater number of the proprietors reside on the island, and I have reason to believe that they will also give their concurrence to it.

5 December 1863.  
‡ Page 89.

In making these concessions we do not recognise the right of Delegates or any other party to interfere with written agreements existing between landlords and tenants, but we make the concessions in the hope that they may produce peace and obedience to the laws. It is to be fully understood that this Bill shall be taken to contain the terms upon which the land question of Prince Edward Island shall be settled, and it is further expressly understood that, in case any alterations shall be made in the provisions of the said Bill by the Legislature of Prince Edward Island, the proprietors will not in anywise be bound thereby.

I have, &amp;c.

(signed) *S. Cunard*.

## Enclosure in No. 27.

Encl. in No. 27. A BILL for settling Differences between Landlord and Tenant, and to enable Tenants on certain Townships to purchase the Reversion of their Farms.

WHEREAS, by a certain address of the House of Assembly, pursuant to certain resolutions passed by the said House, it was prayed that Her Majesty's Government would be pleased to direct a Commission to inquire into the existing relations between landlord and tenant, and to negotiate with the proprietors for abatement of arrears of rent, and also for terms to enable the tenants to purchase the reversion of their farms:

And whereas Sir Samuel Cunard, Baronet, Edward Cunard, Sir Graham Montgomery, Baronet, James Montgomery, the Right Honourable Laurence Sullivan, Daniel Hodgson, William Cundall, John Roach Bourke, the Honourable Thomas Heath Haviland, John A. McDonald, and the Honourable Edward Palmer and Henry Palmer, proprietors of the several township lands mentioned in the Schedule to this Act, marked A, did agree to the issuing of such commission: And whereas a Royal Commission was thereupon issued: And whereas the said Commissioners by their report did find and declare that the said township lands were not liable to forfeiture in consequence of any omission to perform, or any nonperformance of any of the conditions in the original grants thereof. And also that no arrears of quit-rents by the said grants reserved are now due or recoverable from the proprietors, tenants, or occupiers of such lands; and also that the proprietors, their tenants or occupiers should be quieted in their possession of certain parts of the said lands called or known as "The Fishery Reserves," and did also declare and award that all arrears of rent which accrued, due to the said proprietors in respect of any of the said lands previous to the

1858, should be remitted to the tenants, and did also give certain rates at which they should have a right to purchase the reversion of their farms: And whereas the said Commissioners did also by their report direct and provide, that in certain cases the value of the land should be ascertained by arbitrators to be appointed by the landlords and their tenants; in making which last direction or provision the said Commissioners exceeded the authority intended to be given them by the Assembly and the said proprietors, and the said report or award is therefore void: And whereas it is nevertheless expedient for preventing the tenants being deluded by the agitation of impracticable projects, based on certain questions, called in the said resolutions the "Escheat Question," the "Fishery Reserve Question," and the "Quit-rent Question," that the declaration, provisos or directions, relative thereto should be confirmed in the manner, and under the provisos hereinafter mentioned:

And whereas it hath been agreed between the said proprietors and certain delegates or agents of the Government of Prince Edward Island, to remit to their tenants on their respective estates certain arrears of rent hereinafter mentioned, and also that the tenants on the said estates shall have the right to purchase the reversionary interest in their farms at the rate and in the manner hereinafter expressed:

1. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, that from and after the passing of this Act, and until the 1st day of May 1884, every tenant of any of the proprietors in the said Schedule named, having at the time of desiring to exercise the right of purchase hereinafter given, an unexpired term of not less than 40 years under written demise, in any of the township lands of such proprietors shall have a right or option to purchase the reversionary interest of such proprietor, his heirs or assigns therein at 16 years' purchase of the yearly rent reserved and made payable by and under such demise; provided always, that in any case where the said yearly rent during the first portion or years of the term shall be less than the yearly rent reserved during the residue of such term the amount of the purchase-money shall be computed by multiplying the maximum or full rent reserved during the residue of such term by 16.

2. Be it further enacted, that the hereinbefore recited declarations or award of the said Commissioners respecting the escheat or forfeiture of the said township lands, and the arrears of quit-rents, and also concerning the lands known or called the Fishery Reserves, be and the same is hereby declared to be binding in law and in equity.

3. Be it further enacted, that the arrears of rent which have accrued due to any of the said proprietors from any tenant of such township lands previous and up to the 1st day of May 1858, and which at the passing of this Act are unpaid, be and the same are hereby remitted and given up; provided always that nothing in this Act shall extend to remit or release any arrears of rent for which judgment in any court shall have been recovered against any tenant previous to the 1st day of October 1863, nor to remit or release any rent due from any tenant the unexpired term of whose lease shall not exceed 40 years; and provided further, and it is hereby declared that nothing in this Act shall be construed to entitle any tenant who, subsequent to the 1st day of May 1858 shall have paid a sum larger than was sufficient to cover or liquidate the rent accruing due between the said 1st day of May 1858 and the time of his making such payment, to have the overplus or amount remaining after deducting the rent so accruing between the said 1st day of May 1858 and the time of such payment applied in or towards the liquidation or payment of any rent accruing after such payment, but such overplus shall be taken and held to have been appropriated by the landlord in payment of arrears that accrued due previous to the said 1st day of May 1858.

4. Be



4. Be it further enacted, that any action hereafter to be brought by any of the said proprietors, their heirs or assigns, against any such tenant for the recovery of rent which may have accrued due previous to the 1st day of May 1858, under any such demise as aforesaid, that Act (as to so much of the demand as relates to rent accrued due previous to such last-mentioned date) shall be a good defence under the general issue, without the same being specially pleaded in bar thereto.

5. That nothing in this Act shall be construed to entitle the tenant of any farm or lands comprising any mill site or water power capable of being used for the driving of any saw or grist mill whereon any such mill now is, or hereafter has been erected to any such remission of arrears of rent, or a right to purchase the reversion thereof as aforesaid.

6. That no tenant shall be entitled to claim the right or option to purchase under this Act unless all arrears of rent, and which may be recoverable by action, or for which judgment previous to the 1st day of October 1863 shall have been recovered shall be fully paid and satisfied.

7. That in case the tenant shall desire to purchase between the periods or days on which the rent falls due, the same shall be apportioned, and the portion there found to be due added to the purchase-money payable by such tenant under the provisions of this Act.

8. That nothing in this Act shall extend to any lease made after the passing of this Act.

9. That no landlord shall be compelled to sell under the provisions of this Act unless the whole of the purchase-money be tendered, or offered to be paid.

#### SCHEDULE (A.)

SIR SAMUEL CUNARD, proprietor of townships numbers two (2), fourteen (14), twenty-one (21), thirty-two (32), forty-four (44), sixty-three (63), sixty-four (64), and of halves of townships numbers twenty (20), forty-five (45), forty-six (46), forty-nine (49), and parts of townships eight (8), forty-eight (48), fifty-four (54), and sixty-five (65); also one-third part of township twenty-seven (27).

Mr. Edward Cunard, proprietor of townships numbers four (4), five (5), six (6), and half of township number one (1).

Right Honourable Laurence Sullivan, proprietor of townships numbers nine (9), sixteen (16), twenty-two (22), and sixty-one (61).

Sir Graham Montgomery, proprietor of the one-third ( $\frac{1}{3}$ ), parts of townships numbers fifty-nine (59), and thirty-four (34).

Honourable Thomas Heath Haviland, proprietor of township number fifty-six (56), and parts of townships numbers forty-three (43), forty (40), and eight (8).

Henry and Edward Palmer, proprietors of half of township number one (1).

Mr. Daniel Hodgson, proprietor of part of township number twenty-three (23).

Mr. William Cundall, proprietor of part of township number twenty (20).

Mr. John A. McDonald, proprietor of parts of townships numbers thirty-five (35) and thirty-six (36).

Mr. John R. Bourke, proprietor of half of township number thirty-seven (37).

James Montgomery, Esq., one-third part of townships numbers fifty-one (51), fifty-nine (59), and thirty-four.

#### — No. 28. —

Copy of a LETTER from Sir *Frederic Rogers*, Bart., to Sir *S. Cunard*, Bart.

Sir,

Downing-street, 1 January 1864.

I AM directed by the Duke of Newcastle to transmit to you the enclosed extract of a letter\* from Mr. William H. Pope, and to request that you will enable his Grace to answer his inquiry as to whether the Prince Edward Island land proprietors resident in this country will be disposed to agree to the third proposition of the Delegates from the Island, contained in the letter, a copy of which was forwarded to you on the 28th of October.

His Grace requests that you will favour him with an early answer, as Mr. Pope is anxious to leave this country by the mail of the 9th instant.

I am, &c.  
(signed) *Frederic Rogers*.

#### No. 28.

Sir F. Rogers,  
Bart., to Sir S.  
Cunard, Bart.  
1 January 1864.

\* 18 Dec. 1863,  
p. 124.

## — No. 29. —

No. 29.

Sir S. Cunard, Bart.,  
to Sir F. Rogers,  
Bart.

COPY of a LETTER from Sir *S. Cunard*, Bart., to Sir *Frederic Rogers*, Bart.

4 January 1864.

\* Page 93.

Sir,

26, Prince's Gardens, 4 January 1864.

I BEG to acknowledge the receipt of your letter of the 1st instant,\* transmitting an extract of one from Mr. W. H. Pope, and requesting that I would enable the Duke of Newcastle to answer Mr. Pope's inquiry as to whether the Prince Edward land proprietors, resident in this country, will be disposed to agree to the third proposition of the Delegates from the Island, contained in their letter of the 28th October last.

† Page 89.

In reply, I beg to acquaint you, for the information of his Grace, that in my letter of the 14th November,† in reply to the propositions submitted by the Delegates, I was reluctant to trust myself to make any remark upon the third proposition, lest I should make some observation that might be deemed unpleasant, especially as the Delegates hold the highest official situations in the Island; I therefore passed it over, merely stating that it was difficult to be understood.

Being now called upon specially to reply to this proposition, I will endeavour to explain what would be its operation.

A tenant, holding a farm consisting of 100 acres, for which he is bound by his lease to pay 5*l.* rent per annum, and to pay it annually, would, under this proposition, avoid paying his landlord, being encouraged thereby to do so, but would deposit his rent in the bank, where he can get 6 or 7 per cent. interest, and at the end of 20 years the accumulated rent and interest would amount to more than 150*l.*; this sum should, in justice, belong to the landlord, but the tenant can then take 80*l.* of it, and demand from his landlord a deed, in fee simple, of his farm, and has the remainder of the 150*l.* as a reward for dishonesty. The only large proprietor I have been able to communicate with, fully accords with the opinion herein expressed, and I am quite satisfied that the other proprietors, who are out of town, will equally coincide with the view I have taken on the subject.

From the foregoing remarks I think his Grace will readily admit that the proprietors in this country, and in the Island, cannot agree to the third proposition made by the Delegates.

I have, &c.  
(signed) *S. Cunard.*

## — No. 30. —

No. 30.

Sir S. Cunard,  
Bart., to the Duke  
of Newcastle, K.G.  
26 March 1864.

COPY of a LETTER from Sir *S. Cunard*, Bart., to His Grace  
the Duke of *Newcastle*, K.G.

26, Prince's Gardens, Kensington,  
26 March 1864.

My Lord Duke,

‡ Page 124.

§ Page 89.

MY attention has been called to a letter of Mr. Pope's, dated the 18th December 1863,‡ in which he endeavours to make it appear that my letter of the 14th November§ last contains very great misstatements.

|| Page 120.

Though I do not think it necessary to discuss whether Mr. Pope's opinions or mine, on island affairs, are most correct, I think it due to myself to notice some of his remarks.

My letter was written in reply to that of the Delegates of the 13th October 1863.|| containing proposals for settling the land question, so me of which I thought so extraordinary that I was surprised they should have been made by a Government really desirous of an amicable arrangement.

I am glad to find a more just consideration for the rights of others has caused them to be withdrawn.

Mr. Pope



Mr. Pope first quarrels with an expression, "that when money is required for any purpose, a law is passed to raise the amount by a tax on the proprietors' lands." I do not suppose Mr. Pope thinks I intended this to be literally taken. I might better have expressed my meaning had I said that in the times to which my observation points, every pretext was resorted to for taxing the lands and oppressing the proprietors, whether the money was wanted or not, and I think, among other legislative proceedings, the rejected Rent Roll Bill and Tenants' Compensation Act would furnish pretty strong evidence of the fact.

Mr. Pope does not deny the existence of the Road Tax Act, but differs from me in his idea of its justice. He has a right to his opinion, and so have I to mine. But he alludes to a particular case, where I successfully resisted a most unjust demand, made against me under the Act, asserting that I evaded payment of a thousand pounds by a "purely captious objection."

The assessment alluded to was made before I purchased the property through which the road passed. The Act under which it was made recites that it is just and reasonable that proprietors should contribute to the formation of roads made through their lands.

The intention of the Act evidently was that the proprietors should pay only a proportion of the cost of making the road. Mr. Pope himself says that it was the great highway to the northern extremity of the Island. The public, therefore, must have been greatly benefited by it, so that if there ever was a case where the chief part of the expense should have been borne by the public, it was this. But the jury assessed 70*l.* and 80*l.* a mile against the proprietors, a sum nearly, or quite sufficient, to cover, I believe, the expense of making the road.

The great hardship of the Road Tax Act is that the owner of land is compelled to pay for making roads, where he does not require them, and such was the case with the road in question, along which, after a lapse of upwards of 20 years, but few persons have settled. But before taking any proceedings, my agent pointed out the defect to the Government, and offered to pay one-half of the amount, all that could, according to the intention of the Act, have been assessed, and very greatly beyond what, in justice, should, under the circumstances, have been assessed. This offer was refused, and, after the proceedings were quashed, the Assembly passed an Act to have a re-assessment. After being referred to the Law Officers of the Crown, the Act was disallowed, which, I presume, would not have been the case if my proceedings had been of the character Mr. Pope describes. All the Acts I alluded to are in existence, and can be referred to, and they will, I think, show that it is not without reason I assert that in Prince Edward Island the lands have been frequently resorted to in a manner not usual in the adjacent colonies.

What relation the quit rents, mentioned by Mr. Pope to have been remitted, have to the statement in my letter, I am unable to discover. The arrears of quit rent were remitted long before I purchased. I paid a very large sum of money for my estates, which I would not have paid had they been encumbered with the quit rents. Those from whom I purchased may have derived advantage, but it is evident that I neither did, nor could, derive any.

It is not intelligible from Mr. Pope's statement how the proprietors gained 6,014*l.* by the Land Tax Act, nor do I see that it has anything to do with the question if it were the case.

Mr. Pope says, "The tax for the encouragement of education is not as I would have your Grace infer, levied chiefly on wilderness or unproductive land; the cultivated paying only one-half the rate of the uncultivated."

On referring to the Acts it appears that in 1830 a tax of 2*s.* per hundred acres was imposed. In 1837, which was before I purchased, it was fixed at 2*s.* improved, and 4*s.* for unimproved. In 1848, it was fixed at 2*s.* 6*d.* for improved, and 5*s.* for unimproved, and so continued down to 1852, when it appears an additional ( $\frac{1}{2}$ *d.*) halfpenny per acre was imposed on all lands, which reduced the proportion between cultivated and uncultivated, which before then was, as stated in my letter, double on the latter. Writing only from recollection, I fancied it still continued so. This slight inaccuracy is, I believe, the only one contained in my letter.

The next statement to which Mr. Pope alludes is, "That I say that in my leases the rent and purchase money are made payable in British sterling, and were so paid for many years, until an Act was passed reducing the 1*l.* sterling to 16*s.* Thus the Act reduced the value of my rents and sales 25 per cent." He thinks he will have no difficulty in convicting me here of a misstatement; that he desires to do so is plain, but I think he will be disappointed.

My argument on the one-ninth Bill was, that it deprived me of one-fourth of the rent to which I was legally entitled. Many of my tenants hold under leases given by former owners, long before I purchased; at the time when many of the leases were granted the currency was little, if at all, depreciated, and the payment of 1*l.* with a 1*s.* 9*d.* added, or 1*l.* 2*s.* 2*d.* currency, would be about equivalent to 1*l.* sterling. It gradually became more and more depreciated, but the landlords continued to add 1*s.* 9*d.* and received the depreciated currency in payment; but this indulgence did not deprive them of their right to the amount agreed for, as is proved by the Tender Act, 12 Vict. c. 24, passed in 1849, which, after enacting that the sovereign shall be a legal tender for 30*s.*, in the 7th section provides that the Act shall not affect leases in which the rent is reserved in sterling money.

Such were our legal and well-understood rights, when in 1851 the 14th Vict. c. 33, known as the one-ninth Bill, was passed, compelling us to receive the sovereign for 30*s.* which the Act, passed only two years before, shows we were not bound to do. The proviso alluded to by Mr. Pope, providing that, where the rent had previously been exacted in sterling, it might still be so demanded, only shows that those who had been indulgent to their tenants were worse treated by the Legislature than those who had been exacting, which is just what I complain of.

Mr. Pope alludes to an examination of my agent in the year 1840, in which he states that the mode of converting sterling into currency was by adding one-ninth. My agent was quite correct, it is the system always used in Nova Scotia, but Mr. Pope omitted to state why that system could not be continued in the Island; it was in consequence of the depreciated state of the currency, the Government having issued notes without providing specie to redeem them, and when applications were made at the Treasury, the reply was, there is no money in the Treasury.

If the Bank of England were to refuse to pay their notes in specie, they would soon be, like Prince Edward Island notes, at a great depreciation; and as landlords were not bound to receive this depreciated currency, an Act was passed to compel them to receive it, in payment for rent, at a fixed rate. Mr. Pope says that a sovereign represents 30*s.* Now, if he owes me 1*l.*, British sterling, for rent, he, under this Act, pays me 1*l.* 2*s.* 2*d.*, but, if I owe him 1*l.* British sterling, not for rent, I must pay him 30*s.*; it was a most unjust Act, defrauding me of one-fourth of my rent.

In my letter, I state, that I have given 1,496 leases in 25 years. Mr. Pope quotes this from my letter, and then quotes from a statement, furnished by my agent to the Commissioners, from which he says it appears the number of persons holding leases on Sir Samuel Cunard's estates are 971. If he intends to allege a misstatement here, the explanation is, that I always allude to my son's and my own as one property. I had before me a return of my agent up to the end of 1863, and the number of leases are, as stated, 1,496.

Mr. Pope alludes to the terms on which my lands are let. And here I find my memory had led me into error.

I said that a tenant did not come upon full rent until after four years; I should have said until after eight years; say, two years free from rent, two at 3*d.*, two at 6*d.*, and two at 9*d.*, and thereafter at 1*s.*; and I may repeat that every industrious man should, before that time, have a comfortable homestead with 50 acres of land, at the annual rent of 1*l.* 17*s.* 6*d.*, or less than 9*d.* per week, with the privilege of purchasing the fee simple for 37*l.* 10*s.* at any time within 999 years.

Mr. Pope's remarks would lead to the supposition that there is great destitution and distress in the Island.



I annex a statement from the "Islander" newspaper, of the 1st January 1864, of the exports from the Port of Charlotte Town alone during the past autumn, which is a sufficient refutation of Mr. Pope's assertion.

I do not think a country, having such a vast quantity of agricultural produce to export, can be in a very impoverished condition. If there be so large a class whose lands do not yield them a subsistence, it only shows that the Island soil, properly worked, must be wonderfully productive, as then this vast surplus must be produced by a moiety of the people.

My last misstatement, according to Mr. Pope, is that the small debt courts of the Island are closed against the proprietors; this, Mr. Pope says, is incorrect, because, if the landlord can make oath there is not sufficient distress to countervail half a year's rent, he may sue. In other words, because, where it appears the tenant has nothing to pay with, you may sue; where he has, you shall not. Your Grace will recollect that a copy of the Small Debt Act, with this section specially marked, accompanied my letter.

If I had been furnished with a copy of Mr. Pope's letter, I should have replied to his charges immediately, so that my refutation would have appeared at the same time with Mr. Pope's charges.

I have, &c.  
(signed) S. Cunard.

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Enclosure in No. 30.

Extract from the "Islander," of 1 January 1864.

Encl. in No. 30.

As for ourselves, we have much to be grateful for. Favoured by a fine season, the crops have been abundant, and in addition there has been an unusual requisition for portions of them. Oats have been in good demand. We are not enabled to give the whole quantity or value of the produce shipped during the past year from the Island in general, but the following account of what has been sent from the port of Charlotte Town alone will give some idea of how great has been the export trade in the articles enumerated.

Cleared at the Custom House, as exported from the port of Charlotte Town, as nearly as can be ascertained at present, the following articles, viz.:

|                 |            |   |                    |   | Estimated Value. |         |      |
|-----------------|------------|---|--------------------|---|------------------|---------|------|
|                 |            |   |                    |   | £.               | s.      | d.   |
| 665,599 bushels | oats       | - | 2s. 6d. per bushel | - | 66,559           | 18      | -    |
| 210,297         | potatoes   | - | 1s. 6d. "          | - | 15,239           | 18      | -    |
| 18,138          | barley     | - | 4s. 6d. "          | - | 3,627            | 12      | -    |
| 10,626          | turnips    | - | 1s. "              | - | 5,318            | -       | -    |
| 806 barrels     | oatmeal    | - | 30s. per barrel    | - | 1,209            | 10      | -    |
| 26,029 dozen    | eggs       | - | 7d. per dozen      | - | 758              | 18      | 4    |
| 10,173          | sheepskins | - | 5s. per skin       | - | 2,543            | 5       | -    |
| 21,958 lbs.     | wool       | - | 2s. 3d. per lb.    | - | 2,470            | 5       | 6    |
|                 |            |   |                    |   | £.               | 107,727 | 6 10 |

The above articles enumerated are independent of timber, deals, lathwood, horses, horned cattle, sheep, poultry, pearl barley, beef, pork, dry fish, mackerel, herrings, oil, oysters, parsnips, carrots, hay, &c. &c.

## — No. 31. —

No. 31.  
Sir F. Rogers, Bart.,  
to Sir S. Cunard,  
Bart.  
6 April 1864.

COPY of a LETTER from Sir *Frederic Rogers*, Bart., to Sir *S. Cunard*, Bart.

Sir,

Downing-street, 6 April 1864.

I AM directed by the Duke of Newcastle to acknowledge the receipt of your letter of the 26th of March,\* and to acquaint you that, as Mr. Pope's letter to which you refer had not left on his Grace's mind any impression unfavourable to you, and as it appeared that the controversy was one which was perfectly useless in itself, and calculated to obstruct a settlement which it was for the interests of all parties to effect as speedily as possible, his Grace did not think it necessary to send you a copy of it. But as Mr. Pope's letter appears to have been published in Prince Edward Island, it is the Duke of Newcastle's intention to furnish the Governor with a copy of your present letter and of this reply, with an intimation of his Grace's desire that, as the previous correspondence had been printed by authority of Government, a similar course should be taken with respect to these further communications.

But the Duke of Newcastle will, at the same time, intimate to the Governor that he cannot allow this Department to be any further made, by either party, the medium of a controversy of this kind.

I have, &c.

(signed) *Frederic Rogers*.

## — No. 32.—

No. 32.  
Sir F. Rogers, Bart.,  
to Sir S. Cunard,  
Bart.  
4 June 1864.

COPY of a LETTER from Sir *Frederic Rogers*, Bart., to Sir *S. Cunard*, Bart.

Sir,

Downing-street, 4 June 1864.

I AM directed by Mr. Secretary Cardwell to transmit to you the enclosed copy of a Despatch from Lieutenant Governor Dundas,\* accompanied by an Act of the Legislature of Prince Edward Island, entitled, "An Act for settling Differences between Landlord and Tenant, and to enable Tenants on certain Townships to purchase the Fee-simple of their Farms;" and I am desired to request that you will ascertain and inform Mr. Cardwell whether the provisions of this Act are acceptable to the proprietors concerned.

I have, &c.

(signed) *Frederic Rogers*.

## — No. 33. —

No. 33.  
Sir S. Cunard,  
Bart., to Sir F.  
Rogers, Bart.  
6 June 1864.

COPY of a LETTER from Sir *S. Cunard*, Bart., to Sir *Frederic Rogers*, Bart.

Sir,

26, Prince's Gardens, 6 June 1864.

I HAVE to acknowledge the receipt of your letter of the 4th instant, enclosing copy of a Despatch from the Lieutenant Governor of Prince Edward Island, and of an Act of the Legislature of the Island, entitled, "An Act for settling Differences between Landlord and Tenant, and to enable Tenants on certain Townships to purchase the Fee-simple of their Farms," and requesting to be informed whether the provisions of this Act are acceptable to the proprietors,

In reply, I beg to state that Mr. Sullivan, Sir James Montgomery, and Mr. James Montgomery, have given their assent; and the proprietors residing in the Island named in the Act have likewise given their assent, and I hereby give my own and Mr. Edward Cunard's assent.

I have, &c.

(signed) *S. Cunard*.



## — No. 34. —

COPY of a LETTER from Sir *S. Cunard*, Bart., to Sir *Frederic Rogers*, Bart.

Sir,

10 June 1864.

I BEG to enclose you certain documents \* which will show you that all the persons named in the Bill transmitted from Prince Edward Island have given their assent to the Bill, with the exception of Mr. Henry Palmer and Mr. Edward Palmer, and Mr. John A. McDonald; they are resident in the Island, and I know were concurring parties to the passing of the Bill.

Yours, &amp;c.

(signed) *S. Cunard*.

No. 34.  
Sir S. Cunard,  
Bart., to Sir F.  
Rogers, Bart.

10 June 1864.

\* These documents  
were returned to  
Sir S. Cunard.

## — No. 35. —

COPY of a LETTER from Sir *F. Rogers*, Bart., to Sir *S. Cunard*, Bart.

Sir,

Downing-street, 13 June 1864.

I AM directed by Mr. Secretary Cardwell to acknowledge the receipt of your letters of the 6th and 10th instant, and to acquaint you that the Act passed by the Legislature of Prince Edward Island, "for settling Differences between Landlord and Tenant, and to enable Tenants to purchase the Fee-simple of their Farms," will be submitted for the confirmation of the Queen at the next Council.

I am, &amp;c.

(signed) *Frederic Rogers*.

No. 35.  
Sir F. Rogers,  
Bart., to Sir S.  
Cunard, Bart.

13 June 1864.

## — No. 36. —

COPY of a LETTER from Sir *F. Rogers*, Bart., to Sir *S. Cunard*, Bart.

Sir,

Downing-street, 29 June 1864.

WITH reference to my letter of the 13th instant, I am directed by Mr. Secretary Cardwell to acquaint you that remonstrances have been received from Prince Edward Island against the Act for settling the differences between landlord and Tenant, and that until these representations have been considered the Act will not be submitted for Her Majesty's confirmation.

I am, &amp;c.

(signed) *Frederic Rogers*.

No. 36.  
Sir F. Rogers,  
Bart., to Sir S.  
Cunard, Bart.

29 June 1864.

## — No. 37. —

COPY of a LETTER from Sir *S. Cunard*, Bart., to the Right Honourable *Edward Cardwell*, M.P.

Sir,

26, Prince's-gardens, 6 July 1864.

I BEG to acknowledge the receipt of Sir Frederic Rogers' communication, informing me, that in consequence of some remonstrances, the Bill relating to lands in Prince Edward Island will not be laid before Her Majesty until further consideration.

Looking at the state of parties in Prince Edward Island, it is not surprising that any measure relating to lands should find numerous opponents, but as any remonstrance from that quarter will, of course, be accompanied by comments from the Lieutenant Governor, any remarks from me are unnecessary.

With respect to the opposition of proprietors who never assented to the Commission, and who have taken no part in the proceedings, I would respectfully

No. 37.  
Sir S. Cunard,  
Bart. to Rt. Hon.  
E. Cardwell, M.P.

6 July 1864.

submit that, as the Bill does not pretend to be in any way binding on them, it seems unreasonable that their objections should be entertained.

I understand some objection is made that Mr. Henry Palmer, whose name appears in the schedule to the Bill, does not seem to have given his assent to it. I have had no communication with this gentleman, but he is a brother of Mr. Edward Palmer, the Attorney General, and I know they were, and I presume still are, jointly interested in the lands held by them on lot 1. Mr. Edward Palmer is also a Member both of the Legislative and Executive Council. The Bill now sent home was entirely redrawn in the Island by, I assume, Mr. Edward Palmer, the Attorney General, who also voted for it, and has signed. I cannot believe that he would have inserted his brother's name without being satisfied of his acquiescence. Besides this, Mr. Henry Palmer was residing in Charlotte Town during the discussion of the Bill in the Legislature, and must have known that his name was inserted in it. Under all these circumstances, I think if he really was dissatisfied he should have communicated his dissent to the Lieutenant Governor in order that the Bill might be amended by striking out his name before its final passing, and which, as Mr. Henry Palmer's share consists of only a few hundred acres, would have been of little importance.

Neither myself or the other assenting proprietors would be desirous of carrying out the present arrangement, if we had not originally agreed to the Commission; but by it and the subsequent proceedings, hopes have been raised in the minds of our tenantry, and I believe the disallowance of this Bill would cause great disappointment, and probably result in resistance to the law, as well as be productive of much political disturbance. Under these circumstances, I trust any objections of this kind will not be deemed of sufficient importance to prevent the Bill receiving the Royal Assent.

I have, &c.  
(signed) *S. Cunard.*

— No. 38. —

No. 38.  
Sir F. Rogers,  
Bart., to Sir S.  
Cunard, Bart.  
8 July 1864.  
\* Page 99.

COPY of a LETTER from Sir *Frederic Rogers*, Bart., to Sir *S. Cunard*, Bart.

Sir,

Downing-street, 8 July 1864.

I HAVE laid your letter of the 6th instant\* before Mr. Secretary Cardwell, and I am directed by him to acquaint you, that in view of certain remonstrances which are expected from Prince Edward Island, and to the distinct allegation of Lady G. Fane, that Mr. H. Palmer is not a consenting party to the Bill for settling the differences between landlord and tenant, Mr. Cardwell does not feel himself at liberty to depart from the intimation in my letter of the 29th ultimo, that he could not at present submit the Bill for the decision of the Queen.

He has referred to the Governor Lady G. Fane's statement that Mr. H. Palmer had not consented to the Act.

I have, &c.  
(signed) *Frederic Rogers.*

— No. 1. —

No. 1.  
Lieut. Colonel  
Cumberland to the  
Right Hon. E.  
Cardwell, M.P.  
16 June 1864.

COPY of a LETTER from Lieutenant Colonel *Cumberland* to the Right Hon. *Edward Cardwell*, M.P.

Sir,

Old Government House, Guernsey, 16 June 1864.

I TAKE the liberty to address you in consequence of recent accounts that have reached me from Prince Edward Island, in which colony I am interested in a considerable landed property. It is with great reluctance, sir, that I trespass on your time, and particularly on a subject which, I am well aware, has proved the



the source of much trouble and annoyance to Her Majesty's Government. I mean "the land question," so termed; but by the public papers, brought by the last mail thence, I have been afforded an opportunity of seeing, for the first time, a Bill, which has lately passed the Local Legislature, entitled "An Act for settling Differences between Landlord and Tenant, and to enable Tenants to purchase the Fee-simple of their Farms."

I do not dispute the right of those gentlemen who signed for "the Land Commission," and who may have since submitted to the conditions set forth in this Bill, to act as they may have thought fit with regard to their own estates, but I wish to draw your attention to the consequences which have already resulted from this piece of, as I consider it, injudicious, injurious legislation.

In the same Island papers I observe, that even the concessions gained by this Bill do not, by any means, satisfy the tenantry, that far greater sacrifices from the landlords are demanded, and that "tenant leagues" are forming in all parts of the Colony, to resist the payment of any rent until such concessions are obtained; in short, until the tenants are allowed to purchase and hold land on their own terms.

I was not a party to "the Land Commission," and was assured, with the other non-signing proprietors, by his Grace the Duke of Newcastle, that our interests were not to be affected by it; I also understand that this recently-passed Bill is applicable only to the estates of those proprietors whose names are mentioned therein, and am likewise fully aware that the laws, as they now exist, are sufficient to sustain me in the prosecution of my proprietary rights; but I can also perceive that the spirit which the late proceedings with regard to landed property in Prince Edward Island has aroused, will lead to endless litigation, and, eventually, to the ruin of a resisting tenantry. It cannot be otherwise so long as agitation is kept up for political purposes, and rewarded by similar enactments.

It would be easy to prove that the proprietors of land in Prince Edward Island, as a class, have, from the commencement, been more "sinned against than sinning." My present purpose, however, is to solicit your attention to the Bill in question, its certain results, and to express a hope that you will not, without the most mature consideration, submit it for the Royal Assent.

These proprietors who may have consented to the terms of this Bill would, I have no doubt, feel themselves equally bound by its conditions as if the Act had passed into law, whilst the pernicious effects of such legislation would be corrected by withholding from it the sanction of Her Majesty's Government.

I have, &c.  
(signed) *B. H. Cumberland,*  
Lieutenant Colonel.

— No. 2. —

COPY of a LETTER from Sir *Frederic Rogers*, Bart., to Lieutenant Colonel *Cumberland*.

Sir,

Downing-street, 3 August 1864.

I AM directed by Mr. Secretary Cardwell to acknowledge the receipt of your letter of the 16th June,\* on the subject of the Bill recently passed by the Legislature of Prince Edward Island, "for settling Differences between Landlord and Tenant, and to enable Tenants on certain Townships to purchase the Fee-simple of their Farms."

Various representations on this subject have been made to Mr. Cardwell, and the result has been that he has found it necessary to make a reference to the Colony before deciding what advice he should tender to Her Majesty with regard to this Bill.

I am, &c.  
(signed) *Frederic Rogers.*

No. 2.

Sir F. Rogers,  
Bart., to Lieut.  
Colonel Cumber-  
land.

3 August 1864.

Page 100.

## — No. 1. —

## No. 1.

Lady G. Fane to  
the Duke of  
Newcastle, K.G.  
26 November 1861.

COPY of a LETTER from Lady *Georgina Fane* to His Grace the Duke of  
*Newcastle, K.G.*

5, Upper Brook-street,  
26 November 1861.

My Lord Duke,

YOUR Grace may probably recollect that I am one of the proprietors of land in Prince Edward Island, who several months ago petitioned not to be included in an award to be made by Commissioners appointed to negotiate an arrangement of several questions in the Island; \* that I expressed strong objections to the appointment of the Commission, to the manner in which the business of the Court was carried on, and to the apparent intention of the Commissioners to interfere in an arbitrary way with the rights of proprietors. We have since received an assurance from your Grace that we, who were not consenting parties to the appointment of the Commission, will not be included in their award; but it is evident that though not included, we must be in a great degree affected by it. One of the Commissioners, Mr. Howe, has announced what the award is on which the Commissioners have agreed, and I therefore trouble your Grace with this letter, to express the strong objection which I feel to that award; and my conviction from all that has passed in the last year, that if it receives the Royal Assent it will add to the mischief already effected in the Island by the Commission. The opinion I formed when I was in the Island a year ago as to the mischief it would effect, has been fully confirmed by what has occurred since.

*Vide, page 13.*

As for myself I can say that the proceedings of the Commissioners have interfered with all that I did on my property. I left the Island, having settled everything on an estate of 10,000 acres, to the apparent satisfaction of all the tenantry on it. I reduced the arrears very considerably, extended the period to which some of the recent settlers were to have their farms free, and gave a little money to the poor men to help them, and left all the arrears that still remained, to be spent on the settlement in various ways. The only difficulty I had there was in deciding to which of two old tenants I would lease some extra acres which both were anxious to have. On another estate I offered the people leases on the same terms as those held on a neighbouring township, where the tenants were so well satisfied, that they had, at a meeting held before the arrival of the Commissioners, decided that they would not appear in their Court at all, as they "had nothing to complain of," and believed "that no Court would give them better terms." The answer which the poor people on my property made was, that they wished to wait, and see what the Commissioners would do for them. These were of course squatters, and people in arrear. My agent writes to me that he has been unable to do anything since I came away (a year ago), on either estate, "owing to the difficulty occasioned by the Land Commission." I believe that if this award becomes law, this precedent of interference on the part of the Government between landlord and tenant (besides the injustice to the landlord of seizing his property in the way projected) will destroy the link which at present there is between landlord and tenant, and the last chance that there is of their coming to a friendly arrangement. Whilst I was in the United States I heard much of disturbances that had gone on for several years in some of the Dutch States, held and leased much in the same way as land in Prince Edward Island.

About four years ago the Courts of the United States pronounced that they could not interfere with the rights of proprietors, and that the landlords had a right to the arrears, and to future rents. Since that time everything has been settled between the landlords and tenants, and they go on peaceably; I believe the same would happen in Prince Edward Island if the local Government, instead of countenancing agitation, as it has done, and keeping up in the minds of the tenantry the expectation that the landlords are to be got rid of, would follow the example set in the United States, and refuse all such interference.

The people in the Island are dissatisfied, and are holding meetings to petition against the award, because it does not give them what they were led to expect, *i. e.*, does not transform them into proprietors. The landlords are dissatisfied, and feel that in making such an award the Commissioners have disregarded the

assurances



assurances repeatedly given by the Crown that their rights as proprietors should not be interfered with.

It appears, therefore, that its rejection would not occasion displeasure to either side.

As to the loan of 100,000 £, it would have the mischievous effect of keeping up agitation, and involving the Colony in debt in addition to the injustice of the tax it would occasion. The only persons benefited would be those who are now endeavouring to depreciate property for the purpose of buying it up.

I trust your Grace will think that the objections I make to an award that gives direct encouragement to, and holds out inducements to dishonesty that not only interferes with the rights of a proprietor, but takes from him the right to the possession of his property, and compels him to part with it, are reasonable.

I have, &c.  
(signed) C. Georgina Fane.

— No. 2. —

COPY of a LETTER from Sir *Frederic Rogers*, Bart., to Lady *Georgina Fane*.

No. 2.  
Sir F. Rogers, Bart.  
to Lady G. Fane.  
31 December 1861

Madam,

Downing-street, 31 December 1861.

I AM directed by the Duke of Newcastle to acknowledge the receipt of your Ladyship's letter, dated 26th November, and to acquaint you that every attention will be paid to your representations and those of other proprietors, on the landed tenure question in Prince Edward Island. The Report of the Commissioners is still under careful deliberation, and no decision will be come to without well weighing all the considerations which have been submitted in connexion with the subject.

I have, &c.  
(signed) *Frederic Rogers*.

— No. 3. —

COPY of a LETTER from Lady *Georgina Fane* to His Grace the Duke of *Newcastle*, K.G.

No. 3.  
Lady G. Fane to  
the Duke of New-  
castle, K.G.  
13 January 1862

My Lord Duke,

Brympton House, 13 January 1862.

HAVING already troubled your Grace with a letter on the subject of the mischievous effect of the Land Commission in Prince Edward Island, I feel that I must apologise for writing again. I am induced to do so by a letter which I have recently received.

I wrote to my agent to request that he would explain to me the cause of the difficulty of obtaining payment of rents on an estate where a year and a quarter ago there was no reason to expect any difficulty. He writes to me that "the Commission will render the recovery of arrears a very difficult matter, even on estates, the tenants of which have had no difference with their landlords." As relates to the other estate, he says that "at the present day, in this Colony, the chance of a landlord obtaining a verdict against a squatter is not very bright—thanks to the Commission," and "that it has made dishonest men of thousands who, before it was mooted, never refused to pay their rents." He concludes by saying, "that if the Commission business were disposed of, there would be no difficulty, but so long as it remains uncertain the tenants will hold back in the hope of gaining by it." This being the report sent to me of the present state of the Island, your Grace will not be surprised that I should be anxious that the agitation should be put an end to by the rejection of the award. It is based on injustice and spoliation; injustice to the tenants, as it gives to the dishonest man an advantage over the honest and industrious one who has paid his rent; and spoliation of the landlord, as it is an arbitrary seizure of his property. Such legislation can never bring about peace and good conduct in any community.

I venture to express my opinions to your Grace, as I know that the same objections to the award are felt by other proprietors who have not troubled you, thinking that the onus of objecting to it should be left to those who agreed to the arbitration. I think, on the contrary, that all who are interested on the subject should make your Grace acquainted with their opinions and their reasons for wishing that the award may be rejected.

I have, &c.  
(signed) *C. Georgina Fane.*

— No. 4. —

No. 4.  
T. F. Elliot, Esq.,  
to Lady G. Fane.  
30 January 1862.

COPY of a LETTER from *T. Frederick Elliot*, Esq., to Lady *Georgina Fane*.

Madam,

30 January 1862.

\* Page 103.

I AM directed by the Duke of Newcastle to acknowledge the receipt of your Ladyship's letter of the 13th instant,\* and to assure you that the objections which you have submitted to the Report of the Commission on the landed tenure question in Prince Edward Island will receive due consideration.

I have, &c.  
(signed) *T. Frederick Elliot.*

— No. 5. —

No. 5.  
Lady G. Fane to  
the Duke of New-  
castle, K. G.  
22 November 1862.

COPY of a LETTER from Lady *Georgina Fane* to His Grace the Duke of *Newcastle*, K. G.

5, Upper Brook-street,  
22 November 1862.

My Lord Duke,

I SEND to your Grace a newspaper from Prince Edward Island, the "Islander" of the 3d October, with the request that you will be so kind as to read a letter in it signed "Sentinel." It is to the latter part of the letter that I wish particularly to call your attention.

You will see that not only it is avowed that it is the intention of the Government of the Island to keep up the agitation that has for some time existed, and compel your Grace "to reconsider your decision on the subject of the award," but that it states that "the Government is determined to use every exertion by way of remonstrance, petitions, and otherwise, if necessary, to bring about a speedy confirmation of the award;" and that it also incites and advises the tenantry to refuse to pay rents.

The "Islander" is published under the sanction of the Government; the Colonial Secretary is the editor of it, and it is professedly the organ of the Government in the Island.

From the accounts I receive I believe the agitation among the tenantry has very much subsided. Mr. Bruce Stewart writes to me that he has collected his rents with much less difficulty than for several years past. Sir S. Cunard told me, in the winter, that he had received his rents; and from other friends I hear that the accounts they receive from their estates are satisfactory. On one estate I hear that the candidates for leases on the usual terms are numerous.

Your Grace will observe, that even according to the statement of "Sentinel," the popular feeling has gone with the proprietors, in being satisfied with the rejection of the award.

I am confirmed, by all that has passed, in the belief that it is not the tenantry who are discontented, but a set of people whose object is to deteriorate the value of land in order to obtain possession of it themselves. But how can it be expected that peace will be restored, or that any community will be contented, if the Government actually advises and incites tenantry to refuse to pay rents; tells them that such refusal will be successful, and encourages them in the expectation



expectation of being enabled to throw off their engagements, and become possessors of their farms by paying little or nothing for them? The letter of "Sentinel" is only a specimen of what is weekly published under the sanction of Government.

I feel it impossible that your Grace can approve of an endeavour to keep up in the minds (or rather, I should say, instil into the minds) of tenants a feeling of irritation against their landlords, and I venture to call your attention to the letter of "Sentinel," to the advice given therein to refuse payment of rent, and the system pursued towards us by the local Government of holding us up to our tenants as enemies that they are to get rid of. There is no country in the world in which agitation and discontent would not be occasioned by such a system.

The effect of renewed discussion on the award (as at present intended by the local Government) must be a revival of the agitation which since its rejection has been subsiding.

I have, &c.  
(signed) C. Georgina Fane.

— No. 6. —

COPY of a LETTER from Sir *Frederic Rogers*, Bart., to Lady *Georgina Fane*.

No. 6.  
Sir F. Rogers to  
Lady G. Fane.  
16 December 1862

Madam,

Downing-street, 16 December 1862.

I AM directed by his Grace the Duke of Newcastle to acknowledge the receipt of your Ladyship's letter of the 22d ultimo, respecting the land questions in Prince Edward Island, and to thank you, in his Grace's name, for the communication.

I have, &c.  
(signed) *Frederic Rogers*.

-- No. 7. --

COPY of a LETTER from Lady *Georgina Fane* to the Right Hon.  
*Edward Cardwell*, M.P.

No. 7.  
Lady G. Fane to  
the Right Hon. E.  
Cardwell, M.P.  
13 June 1864.

Sir,

Brympton House, 13 June 1864.

I OBSERVE that an Act has been passed by the Legislature of Prince Edward Island, and been sent to England for the Royal assent, called "An Act for the settling Differences between Landlord and Tenant," which is to apply to the estates of eight proprietors.

I venture, as one of the proprietors in Prince Edward Island, to write to you on the subject, and to protest strongly against an Act, the result of which must be injurious not only to myself and every other proprietor, but I believe will also be, in many cases, injurious to the tenantry.

I am told, and the same assurance has, I believe, been given to others, that the non-consenting proprietors are not to be affected by this Act, and that it is to apply only to the estates of those who are named in it. I understand that this is considered "settling the land question," and that it is thought that as the tenants will be more contented, I may expect a more punctual payment of rent. It appears to me completely and utterly impossible to expect that the tenants on my property can be more contented because those on the property of Sir Samuel Cunard and others will have a right to purchase land at less than its value, and cannot be called upon to pay arrears of rent due before 1858. It is, on the contrary, evident that the very reverse must be the fact, and equally evident that the agitation which has been got up (as is well known in the Island), not really to help the tenants, but for other reasons, will be continued for the purpose of bringing the estates of the non-consenting proprietors under the same law. Will the Government of the Island, and will Her Majesty's Government, which has assured us that we are not to be affected by this Act, give us a promise that this Bill will not be followed by another compelling us

to submit to that which those eight proprietors have agreed to? If such a promise is not given to us and kept we are deluded, for we are told that we are not to be affected by this Act, and that it is only to apply to the consenting proprietors. If such is the case, it would appear that no Act of the Legislature is necessary, or required. Sir Samuel and the other proprietors can make any arrangement they like with their tenants; can sell at what price they like; can sweep off arrears if they choose; there is no Bill required to enable them to do it. The fact is, that it is intended by those who have passed this Act to include us all. The organ of the Island Government tells the people so. It tells them also, that when the tenants who are best off have bought the lands at this reduced price, and the landlords have only the poorer tenants to deal with, they will dislike the trouble of exacting rent and the expense of paying agency, and will let the land go for little or nothing. It cannot, I feel convinced, be the intention of Her Majesty's Government to legislate for the purpose of rendering our property so valueless that we shall throw it up; but it is the avowed motive of the Government of the Island. This Bill is a positive and well imagined scheme for destroying and rooting out the proprietors; and I trust I shall be excused if I say, that I think negotiating with a few of the proprietors (one of whom informs me that he is not a consenting one, as his name was put down without his sanction, and against his consent), and passing such a measure without communicating with the others, would be unjust and unfair towards them.

My possessions are small as compared with Sir Samuel's; but there is one non-consenting proprietor, Mr. Bruce Stewart, who is the owner of 80,000 acres, who is not only a resident in the Island, but has a house on his property in the country, where he resides during part of the year among his tenantry; and surely he is entitled to be heard before a measure so seriously affecting him is passed.

It is not, I believe, asserted that the proprietors have acted towards their tenants with a degree of harshness that renders us deserving of having our estates confiscated.

The Bill now passed, in its immediate and eventual results, amounts to confiscation.

In fact, the amount of arrear complained of shows that we have not exacted rent with harshness from the new settlers. It would be rather hard, now that the estates are beginning to be profitable, that they should be taken from us. As regards arrears due before 1858, I am perfectly uninterested; there is not 1 s. that has not been either paid or remitted; but when I know that at this moment the leaseholds of 100 acres on my property sells for 200*l.*, and that one of my tenants has refused 300*l.* for his, it seems to me that it would be intensely unjust that the Legislature should compel me to sell those leaseholds to my tenants for 75*l.* On the other hand, supposing that this Bill be passed and the promise that we are not to be affected by it kept, what can be expected will be the state of the Island? The tenants on our estates, who see what agitation has done, and the poorer tenants on the estates of the consenting proprietors, will refuse to pay any rent at all. The rich ones on the estates of the consenting proprietors will buy. Many unable to buy will borrow of the money lenders for the purpose, become ruined and sold up, as I hear that already 100 are on the Selkirk property. Discontent, distress, and agitation will be widespread throughout the Island. I have not recently written to the Duke of Newcastle, as I knew that he was in bad health; but in letters written to his Grace a year ago I protested strongly against a similar Bill that was then in question.

Believing that no good can result from an Act of the Legislature that by a general remission of arrears destroys whatever feeling of gratitude might be felt by the tenant towards the proprietor if remitted by him, and that by cancelling agreements between proprietor and tenant enables the tenant to cheat the proprietor out of a quarter of what he has engaged to pay to him, and is in every way a direct encouragement to dishonesty, I venture to pray that Her Majesty's assent may not be given to a measure that must have such mischievous results.

I have, &c.

(signed) *C. Georgina Fane.*



## — No. 8. —

COPY of a LETTER from *T. Frederick Elliot, Esq.*, to Lady *Georgina Fane*.

No. 8.  
*T. F. Elliot, Esq.*,  
 to Lady *G. Fane*.  
 27 June 1864.

Madam,

Downing-street, 27 June 1864.

I AM directed by Mr. Secretary Cardwell to acknowledge the receipt of your ladyship's letter of the 13th instant,\* praying that Her Majesty's assent may be withheld from the Act recently passed by the Legislature of Prince Edward Island for settling the difference between landlord and tenant.

\* Page 105.

Mr. Cardwell desires me to say that the Act now passed will merely affect the lands of the proprietors named in it, and of no others. It is of course impossible for Her Majesty's Government to foretell what Acts will be hereafter passed by the Legislature of Prince Edward Island, or to say beforehand what course the Queen will be advised to take respecting such Acts.

Mr. Cardwell has been assured that all the proprietors named in the Schedule of the Act are consenting parties to it, and he will be much obliged if your ladyship will inform him of the name of the proprietor who is not so consenting.

I am, &amp;c.

(signed) *T. Frederick Elliot*.

## — No. 9. —

COPY of a LETTER from Lady *Georgina Fane* to *T. Frederick Elliot, Esq.*

No. 9.  
 Lady *G. Fane* to  
*T. F. Elliot, Esq.*  
 28 June 1864.

Sir,

Brympton House, 28 June 1864.

I REQUEST you will thank Mr. Cardwell for the answer which he has been so kind as to send, through you, to my letter.

Mr. Henry Palmer is the proprietor to whom I alluded as non-consenting. He wrote to me that I was mistaken in supposing that he was a consenting proprietor; that he was not so, and found that his name had been put down as consenting without his knowledge and against his consent. I will look for the letter (received about three weeks ago), and report the exact words.

With reference to Mr. Cardwell's answer to my letter, I must remark, that I have pointed out by reasoning, which is, I think, unanswerable, that though the Act against which I remonstrate does not legislate for us non-consenting proprietors, it will affect us very seriously, and that we have some right when we see a measure in question that is certain to be very injurious to us, and certain to have the consequences that I have pointed out, to ask the Government to give us some assurance that it is not to be followed by another that will legislate for us, and include us.

I have pointed out that the natural—the certain—consequence of the Act must be agitation throughout the Island; to give to tenants in other townships the same privileges (as it will be called) as given to those on the estates now in question. I say advisedly, the certain consequence. If probable only, Mr. Cardwell's answer might be considered an answer; but it is certain; and I must suppose that the Colonial Office act on some principle, and look to the consequences of any Act of Colonial legislation that they sanction.

I therefore again say, that if, whilst telling us that we are not to be affected by this Act, the Colonial Office will not give us a promise that our estates will not be eventually placed under a similar law; we are deluded by the expression now used, that we “are not to be affected by this Bill,” and that “it applies only to certain proprietors named in it.”

I say further, that the Bill in question is an absurdity, if intended to bring about tranquillity and content in the Island. It must make every man who cannot put down 75 *l.* (without borrowing) to purchase the freehold of his farm, discontented—and it gives him reason to be discontented). What number of tenants on the estates of Sir Samuel, and the other consenting proprietors, will, without borrowing, be able to put down 75 *l.*? Very few, *i. e.*, few compared to the number unable to do it. Every man who cannot will be dis-

contented, and will feel that an unjust law has been passed, placing him, on account of his poverty, in a worse position than his neighbour who can put down the 75 l.

It appears to me that if a Government wished to plunge a country in disturbance and discontent, it could not do better than pass such a law. It must make every poor man on the estates of Sir Samuel, and the consenting proprietors, discontented; and every man, poor or not poor, on those of the non-consenting proprietors, discontented. Can any one, with common sense, suppose that this will bring peace and tranquillity to a country? Impossible! I believe that Mr. Cardwell must see, as I do, that it is impossible it should have any such effect, and therefore I ask him not to sanction a measure passed by the Legislature of the Island, because they thought they must do something (for personal reasons), and which they assure the people is not to be a final measure, but is an instalment intended to lead to further encroachment on the proprietors.

This Bill is unjust to the tenants, as it is to the proprietors; will favour the dishonest man instead of the honest one, which never can be sound legislation; and will throw uncertainty over every contract between landlord and tenant, which must always be objectionable.

I believe that landlords and tenants would arrange their affairs without difficulty if the Government at home would firmly refuse to sanction the schemes of the Local Government for spoliating the landlords. The Island was returning into tranquillity at the end of last year, and the people were paying their rents without objection or disturbance, believing the Commission was a thing "gone by," when, on the return of the delegates this spring, the agitation has recommenced; and the newspapers will show (by the discontent expressed by the tenantry at the Bill now in question) how far it is likely to bring peace and content to the Island.

I hope Mr. Cardwell will excuse my expressing my opinion that the Bill is an absurdity if it has any such object in view; to which I also add my opinion, that that (the bringing about peace and tranquillity) is not the object of the local Government.

I have, &c.

(signed) *C. Georgina Fane.*

— No. 10. —

No. 10.  
Lady G. Fane to  
the Right Hon. E.  
Cardwell, M. P.

6 July 1864.

COPY of a LETTER from Lady *Georgina Fane* to the Right Honourable  
*Edward Cardwell*, M. P.

Sir,

Weymouth, 6 July 1864.

I MUST apologise for troubling you with another letter, but I trust you will excuse me, as I do so for the purpose of showing that I did not misrepresent the intention of the Act (passed by the Legislature of Prince Edward Island) against which I petition.

I beg to call your attention to a letter in the "Islander," of the 10th June, which says, that "When this Bill has passed, the well-to-do tenants will at once purchase their lands, and none but the poorer class will be left to feed hungry land agents; and so the proprietors will become heartily sick of keeping up an expensive land agency when the rent cannot be collected." This is preceded by the remark, that the Bill, "if obtained, will pave the way to more extended and liberal concessions, on the part of the proprietors, to the tenantry."

The "Islander" is the organ of the Local Government, and the Colonial Secretary is the editor. Four months ago the "Islander" advised the tenants to refuse to pay rent.

It is impossible for words to avow more distinctly than those I have quoted, a dishonest scheme for plundering the proprietors by rendering their property valueless.

The Colonial Secretary, who was my agent, has recently leased 100 acres of mine to his brother, also a member of the Local Government, at the usual rent of 5 l. per acre. This lease was immediately sold by him for 200 l., which

I mention



I mention solely in order to show that these gentlemen are well aware that 5*l.* per acre is not too high a rent; or 100*l.* (as purchase-money for the fee-simple) is not too large a sum for a proprietor to ask for a leasehold of 100 acres.

Again I pray that Her Majesty's Government will not, by giving the Royal Assent to this Bill, sanction a scheme which, being dishonest and unjust, cannot prove beneficial to the Colony.

I have, &c.  
(signed) *C. Georgina Fane.*

## — No. 11. —

COPY of a LETTER from the Right Honourable *C. Fortescue*, M.P., to the Lady *Georgina Fane*.

No. 11.  
Right Hon. C. Fortescue, M.P., to Lady G. Fane.  
16 July 1864.

Madam,

Downing-street, 16 July 1864.

I AM directed by Mr. Secretary Cardwell to acknowledge the receipt of your Ladyship's letters of the 28th of June and the 6th instant,\* and to acquaint you that Mr. Cardwell has thought it right to instruct the Lieutenant Governor of Prince Edward Island to obtain from Mr. Henry Palmer an explanation of the allegation contained in those letters, that that gentleman had not given his assent to the Bill for settling the differences between landlord and tenant.

\* Pages 107 and 108.

I am, &c.  
(signed) *C. Fortescue.*

## — No. 12. —

COPY of a LETTER from Lady *Georgina Fane* to the Right Honourable *Edward Cardwell*, M.P.

No. 12.  
Lady G. Fane to the Right Hon. E. Cardwell, M.P.  
2 August 1864.

Sir,

Gloucester Hotel, Weymouth,  
2 August 1864.

I HAVE to-day received from Mr. Bruce Stewart the enclosed letter,\* which he requests me to forward to you.

\* 12 July 1864, page 141.

It is gratifying to me to find that Mr. Bruce Stewart, who is deeply interested in the welfare and prosperity of Prince Edward Island, coincides with me in the opinions which I expressed to you in my letter of the 13th of June,† a copy of which I sent to him, because I was anxious to know his opinion on the subject in question.

† Page 105.

I have, &c.  
(signed) *C. Georgina Fane.*

## — No. 13. —

COPY of a LETTER from Sir *F. Rogers*, Bart., to Lady *Georgina Fane*.

No. 13.  
Sir F. Rogers, Bart., to Lady G. Fane.  
9 August 1864.

Madam,

9 August 1864.

I AM directed by Mr. Secretary Cardwell to acknowledge the receipt of your Ladyship's letter of the 2d instant, enclosing one addressed to Mr. Cardwell by Mr. Robert Bruce Stewart, of Prince Edward Island.

I am, &c.  
(signed) *Frederic Rogers.*

— No. 14. —

No. 14.  
Lady G. Fane to  
the Right Hon. E.  
Cardwell, M. P.  
18 August 1864.

COPY of a LETTER from Lady *Georgina Fane* to the Right Honourable  
*Edward Cardwell*, M. P.

Sir,

Brympton House, 18 August 1864.

I TROUBLE you with this letter, as I am anxious that there should not be any misunderstanding on the subject of any statement that I have made.

Mr. Henry Palmer is here at present. He informs me that what he wrote to me some weeks ago was the fact. He had not given his consent to the Commission, or to the Bill recently passed by the Prince Edward Island Legislature, about which I have written to you. His name had been put down by his brother without his knowledge.

He received yesterday letters from the Island, urging him now to give his consent to the Bill. The personal motive for his doing so is apparent (his brother being one of the members of the Government), and I have no doubt that he will accede to the request. I have endeavoured to learn from him what reasons there can be for supposing that the measure will have any beneficial effect in the Colony, and cannot find that there is any. He is compelled to admit that I am right in believing that almost all the tenantry are opposed to it, and discontented. He also states that very few will purchase their farms. Increased discontent throughout the Island is the only certain result of it. I need scarcely add, that he admits the non-consenting proprietors will be affected by this Act, if passed, as it is impossible that any one can doubt the increased discontent that will be occasioned by it. I venture to remark, that whether Mr. Henry Palmer becomes a consenting proprietor or not, does not lessen the injustice of a negotiation with a few of the proprietors of the Island that will be so injurious to the proprietors who are non-consenting.

I have, &c.  
(signed) *C. Georgina Fane*.

— No. 15. —

No. 15.  
Lady G. Fane to  
the Right Hon. E.  
Cardwell, M. P.  
27 August 1864.

COPY of a LETTER from Lady *Georgina Fane* to the Right Honourable  
*Edward Cardwell*, M. P.

Sir

Brympton House, 27 August 1864.

I FEAR that you may think me troublesome, but having been unable to obtain from the "consenting" proprietors to the Act of the Prince Edward Island Legislature any statement of their reasons for supposing that it can have a beneficial effect in the Colony, I venture to call your attention to a Despatch from Lord Stanley to Sir Henry Huntley on the subject of facilitating and encouraging the sale of land, of which I enclose an extract, with the date.

I know that my opinion, unsupported by reasons, could not be thought of any consequence, but you will see from that Despatch that Lord Stanley did not think it could be conducive to the welfare of the Colony that landlords should be compelled to sell, or that the existing engagements between landlord and tenant should be interfered with. I know, also, that it is thought desirable that the "Land Question" should be settled, but the Act in question does not settle it. It only unsettles the arrangements now existing between some of the proprietors and their tenants, and gives an inducement to every tenant throughout the Island to withhold payment of rent in future under the expectation that the Legislature will again interfere and release him from the payment of the accumulated arrears. It is impossible that an encouragement to dishonesty can be conducive to the welfare of any country, I asked Mr. Palmer (now my agent), whose brother being one of the present Government in the Island has personal reasons for wishing the Bill to receive the Royal Assent, what the effect on my property would be. He said he thought I should have difficulty in getting any rent, and that I should be obliged to let some of my rich tenants purchase (men who can as easily pay me 100*l.* as 75*l.* for the freehold). My tenants have hitherto paid their rents very well; \* \* \*



\* \* \* \* \*

I am on very good terms with my tenants. Other proprietors are also with theirs. Among them Mr. Bruce Stewart, who is living in the midst of his. I venture to hope that the Government here will not sanction such an injustice as will be perpetrated by the Act now pending, the certain effect of which will be to render all these people discontented. There would be no difficulty in Prince Edward Island if the proprietors were left, as they have been in the other colonies, to settle their affairs with their tenants with respect to rent or purchase, without interference from the Government. I believe that at present the agitation is caused by a dishonest party in the Island, and would subside if the Government here firmly refused to sanction the scheme.

I have, &c.  
(signed) *C. Georgina Fane.*

### Enclosure in No. 15.

EXTRACT from a Despatch from Lord Stanley to Sir Henry Huntley, 11 Nov. 1842.

Encl. in No. 15.

BUT I am bound to say that I must go further, and state that a careful perusal of your Despatches, and of previous documents bearing on the case, leads me to entertain serious doubts whether the object sought to be accomplished by an increased tax, that, namely, of increasing the facilities of obtaining land, is one which is really for the benefit of the colony; and whether the difficulties under which some of the tenants confessedly labour are not rather caused by the existence already of too great a facility. I find from the papers before me that so far from cultivation being checked, the quantity of land made available for agricultural purposes is rapidly increasing, that the amount of produce has nearly doubled itself in the last nine years, that the population is increasing, and the holders of lands, of course not without exceptions, accumulating capital. And when I look to the exceptions, I find them to be a class who "having in their own country been paupers, or at least but daily labourers or journeymen tradesmen, on their arrival eagerly become tenants, taking 100 acres of forest land at 1s. per acre, without one farthing in their hands to commence upon." You state forcibly the ruin to the land, and the suffering to the occupier, arising in such cases out of his own imprudence; and you remark, most truly, that "this state of things has been induced chiefly, if not entirely, by the want of some little capital in the hands of the settler upon his first occupation of the land; that had he taken daily labour instead of a farm, he might have put by a little money, wages being from 3s. 6d. to 4s. a day, whilst the best mutton and beef is 6d., and coarser meat as low as 2½d. per pound; but the eagerness to become an independent farmer leads the pauper settler to overlook the chances of that position, when attained, placing him in a more painful dependence than when he emigrated."

Now if this be the class among whom distress and discontent prevails, and this be, as I do not doubt it is, the real cause of the distress, it appears to me that it would not only be unjust towards the proprietor, but impolitic as regards the well understood interests of the colony, to attempt to relieve them by forcing additional lands into the market for sale; lands which it is hardly necessary to observe they could not afford to purchase, and the introduction of which could not in any way affect those under present engagements, and only very circuitously the class to which they belong by the general reduction of rents. It appears to me that a wise Legislature would seek rather to diminish than to multiply the facilities of obtaining land; in such a state of things, would not interfere unnecessarily with those whose manifest interest it is to accelerate the settlement of their lands, and who do not seem to neglect or misunderstand that interest, and would not, above all, unnaturally force into the market a larger amount of land than the capital within the colony was able profitably to cultivate. For its more rapid advancement, the Island requires confessedly an influx of capital, for the employment of which there appears to be a fair opening in its agricultural capabilities; and it will be my pleasing duty, through the Commissioners of Emigration, to make known to the British public the reasonable prospects of success held out in your Despatch. But the Legislature ought not to lose sight of the fact, that the policy which, by rendering the acquisition of land too easy, tends to divert that portion of the population, who, having no means of their own, from seeking hire as labourers, to the occupation of land on their own account, has also the tendency, by raising the price of hired labour, to deter capitalists from seeking an investment in the land of the Colony, and may thus counteract the very object which is attempted to be obtained by the imposition of an additional tax on uncultivated land.

I have thus endeavoured to put you in possession of the grounds upon which, looking to the present condition of Prince Edward Island, I see no sufficient reason for an increase of the Penal Tax upon Wild Lands; and why, on the contrary, I incline to the opinion that the condition of the Province rather requires that, if any legislative measures were to be

taken, they should rather be in an opposite direction; but that on the whole the public interest will best be consulted by abstaining from interference with a state of progressive improvement which seems equally steady and healthy.

There are other points referred to in your Despatch which are manifestly not subjects for legislative interference. I shall take an early opportunity of communicating your views on these points to the general body of proprietors, and I do not doubt that they will be received with the consideration which is due at once to your authority and to the conciliatory spirit which appears likely to prevail in the present House of Assembly.

I have not made this Despatch confidential in order that you may use your own discretion in bringing it, or any part of it, before the Colonial Legislature; and, as Her Majesty's Government can have no object in view but the advancement of the general interests, I shall be prepared to receive with respect, and consider with attention, any statements or arguments which you or they may feel disposed to advance in support of a different policy from that which, on full consideration, I have felt it my duty to suggest.

I have, &c.  
(signed) Stanley.

— No. 16. —

No. 16.  
T. F. Elliot, Esq.,  
to Lady G. Fane.  
1 September 1864.

COPY of a LETTER from *T. Frederick Elliot*, Esq., to Lady *Georgina Fane*.

Madam,

Downing-street, 1 September 1864.

\* Page 110.

I AM directed by Mr. Secretary Cardwell to acknowledge the receipt of your ladyship's letter of the 27th ult.,\* on the subject of the Act of the last session of the Prince Edward Island Legislature, relating to the land question; Mr. Cardwell desires me to acquaint you in reply, that having ascertained that all the proprietors who are to be bound by the Act are consenting parties to its being passed, he is not aware of any sufficient reason for offering his advice to Her Majesty to disallow a law deliberately adopted by the Colonial Legislature.

I am, &c.  
(signed) *T. Frederick Elliot*.

— No. 17. —

No. 17.  
Lady G. Fane to  
the Right Hon. E.  
Cardwell, M.P.  
2 September 1864.

COPY of a LETTER from Lady *Georgina Fane* to the Right Honourable *Edward Cardwell*, M.P.

Sir,

5, Upper Brook-street, 2 September 1864.

I HAVE to-day received Mr. Elliot's letter of the 1st September, written by your desire, and regret to learn that you do not see in the injustice of the Bill recently passed by the Prince Edward Island Legislature, sufficient reason for advising Her Majesty that it should be disallowed. I have complained of the cruel injustice of an enactment, the certain effect of which must be to render every tenant on my estate, and on the estates of the other non-consenting proprietors, discontented. I mentioned incidentally that Mr. H. Palmer had not consented, because he wrote to me that he had not; but it appears to me that the injustice to the non-consenting proprietors is not in the least affected by the question of whether Mr. H. Palmer, the owner of a quarter (or less) of a township, is or is not a consenting party. When I mentioned what he had written to me I did not attach much importance to it, as I was aware of his relationship to Mr. E. Palmer, and that he might have reasons for becoming a consenting party; I remarked on the effect this Bill would have on the estates of the non-consenting proprietors, and on the Island generally.

I have complained of the injustice to myself of rendering all my tenantry discontented; I complain also of the injustice of this Bill to the tenants on the estates of the consenting proprietors. By far the greater number of tenants in the Island are poor men, utterly unable to purchase; is it possible to imagine anything more calculated to increase, to occasion discontent throughout the country, than an enactment by which a rich man can purchase for 75*l.*, whereas the poor man is to be compelled to pay 5*l.* per annum? The Bill is



so disliked by the tenantry, that the prospect of its being passed has occasioned tenant leagues. The only persons who will be benefited are the dishonest speculators, whose object is to plunder landlord and tenant, and who endeavour to effect this by occasioning as much confusion as they can. I see plainly what the object of these people may be, but I am utterly unable to see how a country can be rendered tranquil and prosperous by an enactment that must make three-fourths, and more, of the population discontented; it seems inconsistent with common sense to suppose it. I beg you will not think I intend to be disrespectful in expressing these opinions; I try to see reasons for thinking differently, but I am unable. I see that this Bill must have the most injurious effects on my property; I know that Mr. B. Stewart, the owner of 80,000 acres, thinks the same of the effect on his. I feel sure that it cannot be the wish or intention of Her Majesty's Government to pass measures that will injure us, and make our property almost valueless; I therefore still pray that you will delay coming to any decision on the subject, until the opinion of other non-consenting proprietors may be heard; for, from the rapidity with which this Bill was passed through the House of Assembly, we have hardly had time to communicate with each other, and then express our opinions to you as to the effects of it on our property and the Island generally; it appears to me too, for reasons too long for me now to enter upon, that the difference which this Bill will make between us and the consenting proprietors, will be unjust to us, and lead to future contention and differences. As I feel sure it would not be your wish that this should be the result, I pray that you will give the subject further consideration.

I have, &c.  
(signed) *C. Georgina Fane.*

## — No. 18. —

COPY of a LETTER from *T. Frederick Elliot, Esq.*, to Lady *Georgina Fane.*

No. 18.  
*T. F. Elliot, Esq.,*  
to Lady *G. Fane.*  
12 Sept. 1864.

Madam,

Downing-street, 12 September 1864.

Mr. Secretary Cardwell desires me to acquaint you that he has received your ladyship's letter of the 2d of September,\* containing some further remarks on the Land Act lately passed in Prince Edward Island.

\* Page 112.

I am directed by Mr. Cardwell to assure you that he has duly considered your observations, but I am to state that after giving his best attention to the subject, he is unable to arrive at any different conclusion from that which he has already expressed.

I have, &c.  
(signed) *T. Frederick Elliot.*

## — No. 19. —

COPY of a LETTER from Lady *Georgina Fane* to the Right Honourable  
*Edward Cardwell, M.P.*

No. 19.  
Lady *G. Fane* to  
the Right Hon. *E.*  
*Cardwell, M.P.*  
15 Sept. 1864.

Sir,

Upper Brook Street, 15 September 1864.

I RECEIVED, yesterday, Mr. Elliot's letter of the 12th September, sent at your desire. I beg you will accept my thanks.

I beg also that you will excuse my troubling you again with a few words on the subject of the Act of the Prince Edward Island Legislature.

I said, at the end of my last letter, that the difference it would occasion in the position of the consenting and non-consenting proprietors would be unjust. What I alluded to is this.

I believe, but I have not the Act to refer to, that it confirms the titles of the proprietors named in it. The Imperial Government has given repeated assurances to the proprietors that their titles are secure. These assurances render a confirmation by an Act of the local Government wholly unnecessary.

I need not remind you of the incessant endeavour made to delude and excite the tenantry on the subject. What are the people to think when they see an Act passed confirming the titles of eight proprietors? Will they not at once say, and be assured by agitators, that the titles of the others are invalid?

I feel convinced that Her Majesty's Government has no wish to occasion either injury or trouble to us, but I do not feel that confidence in the local Government. I think it extremely probable that that Government sees what will be the consequence of this Act. Some of the members of it have taken an active part in occasioning agitation among the tenantry, and have assured them that the present Act is only an "instalment." It will of course assist them in their views if they can occasion uncertainty and confusion as to title.

I ventured in my last again to pray that you would postpone your decision until you heard the opinion of some of the other non-consenting proprietors; because it struck me that though we had considered the probable discontent occasioned among our tenantry, we had not considered the chance of their being told to dispute our titles. I cannot think I am mistaken in believing that this is a very probable result of an Act "confirming the titles of eight proprietors." It seems to me that it must at once give rise to the idea that the titles of the others may be disputed; and that, instead of bringing tranquillity, it will occasion strife and confusion throughout the Island.

If there is discontent in the Island now, it is quite possible that this Act may make it worse.

I have, &c.  
(signed) *C. Georgina Fane.*

— No. 20. —

No. 20.  
Sir F. Rogers, Bart.,  
to Lady G. Fane.  
28 Sept. 1864.

COPY of a LETTER from Sir *F. Rogers*, Bart., to Lady *Georgina Fane*.

Madam,

Downing-street, 28 September 1864.

\* Page 113.

I AM directed by Mr. Secretary Cardwell to acknowledge the receipt of your letter of the 15th of this month,\* on the subject of the recent Land Act passed by the Legislature of Prince Edward Island, and I am to state that Mr. Cardwell sees no reason for altering the decision which was conveyed to your Ladyship in Mr. Elliot's letter of the 1st of September.

I am, &c.  
(signed) *Frederic Rogers.*

— No. 21. —

No. 21.  
Lady G. Fane to  
the Right Hon. E.  
Cardwell, M.P.  
28 Sept. 1864.

COPY of a LETTER from Lady *Georgina Fane* to the Right Honourable  
*Edward Cardwell*, M.P.

Sir,

5, Upper Brook-street, 28 September 1864.

I HAVE this evening received the letter sent to me, by your desire, by Sir F. Rogers. The request I made in my last letter was that you would delay your decision until the opinion of other non-consenting proprietors of Prince Edward Island might be heard. An abler pen than mine would point out more clearly than I have the mischievous effects likely to result from the proposed interference of Government with the rights of the proprietors. The delay would give time to consider whether an Act so unjust as the one in question can prove beneficial; and as the tenantry detest the Act and are petitioning against it, the delay cannot be objectionable.

It strikes me with astonishment, that when I read daily that the true and sound principle of government is to leave trade and commerce in every way as free and unfettered as possible, the experiment is to be tried in Prince Edward Island of compelling proprietors to sell their property at a fixed price, and under its value.

In some parts of the Island land now will sell at 60 £. per acre, will let at 26 s. per acre, and in some places for more. I myself have recently paid on my



my property 16 *l.* for a small bit of land on which to erect a cottage and give to a poor man a little garden. Can there be a semblance of justice in an enactment that, where land is of that value, would compel the proprietor to sell for 75 *l.* the lease of 100 acres, for which he now can ask 100 *l.*? If free trade is good on other subjects, it surely is as inexpedient as it is unjust to interfere in such purchases between buyer and seller, and prevent a proprietor from setting his own price on his land. I beg you will excuse me for again protesting strongly against an Act which is unjust in principle, and which must affect my property injuriously, as it will raise a spirit of discontent throughout the country. Sir Samuel and others do not require an Act of Parliament to enable them to sell their lands at a price as low as they may please. I protest against an Act of Parliament fixing that price; as such an Act is an unjust interference with the rights of a proprietor; and though he and some others have consented to it, the precedent is to be deprecated. It is difficult to suppose that an unjust Act can have a beneficial effect. In this case I feel convinced it cannot on the Island in general. The first, the immediate effect of it, will be an agitation to obtain a further interference on the part of Government to again lower the price of land, and compel proprietors to accept a smaller sum. I protest against the injustice of this first interference with our rights, and beg you to take my remarks into consideration.

I have, &c.  
(signed) *C. Georgina Fane.*

*P.S.*—I must add, with respect to my giving 16 *l.* for a small piece of ground, that it was a purchase of one-fourth or less of an acre from one of my tenants, owner of a leasehold of 100 acres. It cannot be thought a great grievance to pay 5 *l.* a-year for 100 acres, when a fraction of an acre can sell for 16 *l.*

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— No. 22. —

COPY of a LETTER from Lady *Georgina Fane* to the Right Honourable  
*Edward Cardwell*, M.P.

No. 22.  
Lady G. Fane to  
the Right Hon. E.  
Cardwell, M.P.

Sir,

5, Upper Brook-street, 8 November 1864.

8 November 1864

I HAVE to-day received from Mr. Bruce Stewart the enclosed letter,\* which he requests that I will transmit to you.

\* 20 October 1864

p. 141.

I have written to him about the Act of the Prince Edward Island Legislature, against which I have petitioned, because I believed that he, as a resident proprietor and the owner of large property, was better qualified than anyone else from whom I could seek information, to form a true opinion of the probable results of this Bill.

I try in vain to see some reason for which an Act so unjust in principle can have a beneficial effect; it is a cruel Act as regards the honest tenant who has paid his rent, and who will be liable to be ridiculed as a fool by the dishonest one, in favour of whom the Legislature interferes to relieve him from his obligation; and it is as unjust to the landowner who is to be compelled to sell for 75 *l.* what is worth 100 *l.*; dishonesty, so fostered and encouraged, must increase.

Where land may be worth 16 *l.* for a piece less than a quarter of an acre, as I know by my own experience it may, and where (as I also know for a fact) it may let at the rate of 26 *s.* per acre per annum, it can be no grievance to have to pay 100 *l.* for the freehold of 100 acres. I beg to call your attention to the report of a Canadian who visited the Island in September, from which there is an extract in the "Islander" of the 14th October. He writes, "This (the land) tenure has given rise to a great deal of dissatisfaction, but on what grounds I am not at present prepared to express an opinion, though I must say at first sight it does not appear to be reasonable, since the proprietors are said to offer a fee simple title to any purchaser on the payment of 1 *l.* per acre; if this is true, I think the tenants have little to complain of." This is the opinion of a disinterested person, and not of one whose object has been, for personal reasons,

to excite dissatisfaction among the tenantry by telling them that they ought to have the land for little or nothing. The writer of that report knows the value of land in the neighbouring Colonies, and therefore could form an opinion as to whether 1 l. per acre was a high price.

The fact is, we should have no difficulty at all with our tenants, if the Government there, and I may add here, would leave us to arrange affairs with them without interfering with us; and the agitation will subside if the Local Government become convinced that Her Majesty's Government will not sanction a scheme for spoliating the proprietors.

I feel that I must apologise for repeating remonstrances already made; and I now conclude, uniting with Mr. Bruce Stewart in the hope that, if they are made in vain, and if Her Majesty's Government has determined in favour of the Bill, that it will defend us against the mischief and the attempted injustice which we apprehend from it.

I have, &c.  
(signed) *C. Georgina Fane.*

*P.S.*—I venture to remark that the Act in question, unjust as it is, is not wished for by the tenantry; on the contrary, they dislike it, and Mr. B. Stewart, writing so recently, must be well aware that its rejection would not occasion any dissatisfaction among them. There seems no reason, therefore, why Her Majesty's Government should sanction an Act that will only benefit a dishonest fraction of the community.

— No. 23. —

No. 23.  
T. F. Elliot, Esq.,  
to Lady G. Fane.  
19 Nov. 1864.

COPY of a LETTER from *T. Frederick Elliot, Esq.*, to *Lady Georgina Fane.*

Madam,

Downing-street, 19 November 1864.

WITH reference to your Ladyship's letter of the 8th instant\* on the subject of the Act of the Prince Edward Island Legislature, "for settling the Differences between Landlord and Tenant, &c.," I am directed by Mr. Secretary Cardwell to acquaint you that he is no longer in a position to interfere in the matter, the Act having been confirmed by Her Majesty in Council on the 1st instant.

I have, &c.  
(signed) *T. Frederick Elliot.*

— No. 1. —

No. 1.  
Sir F. Rogers, Bart.,  
to J. H. Gray, Esq.  
16 June 1860.

COPY of a LETTER from *Sir F. Rogers, Bart.*, to *J. H. Gray, Esq.*

Sir,

Downing-street, 16 June 1860.

I AM directed by the Duke of Newcastle to acquaint you, that it has been resolved, with the consent of all parties concerned, to appoint a Commission to inquire into and determine the tenures of land in Prince Edward Island. With this letter you will receive a copy of a Resolution of the House of Assembly, agreeing on behalf of the tenantry to the appointment of the Commissioners, and pledging itself to concur in whatever measures may be required to give validity to their decision. The object of the measure is to put an end to the differences which have so long unhappily prevailed between landlords and tenants in Prince Edward Island.

Mr. Howe, you will observe, has been named by the Assembly to be one of the Commissioners; Mr. John William Ritchie, of Halifax, has been selected by the proprietors for the same function; and I am directed to state to you that the Duke of Newcastle is so fully impressed with the ability, carefulness and justice which were lately displayed by you in another important inquiry, that it will be very satisfactory to his Grace if you will serve on the present occasion



sion as the Commissioner chosen by the Crown. The Duke of Newcastle would have been glad if there had been time to learn your assent before proceeding further in the matter. But as this is rendered impossible by the necessity of prompt action, his Grace will cause your name to be inserted in the Commission to be issued for this purpose, subject to its revocation, and the substitution of another, if any circumstances should render you unable or unwilling to undertake the office.

Although the privilege of selecting each Commissioner has been conferred on a separate authority, in order the better to ensure satisfaction with the composition of the Commission, yet it is the Duke of Newcastle's view, and he doubts not will be that of the Commissioners themselves, that none of them ought to be regarded as the special advocate of one interest, but rather that the whole should devote their efforts to framing such recommendations as shall appear to be demanded by the equity of the case, and to be conducive to the general good of all classes of the community.

The time of meeting in Prince Edward Island will be best determined by the Commissioners themselves, in conformity with their own convenience and with the state of affairs in Prince Edward Island. The Governor of that Colony will be happy to correspond with the Commissioners on any information which they may require, with a view to fixing the date of assembling. It has been suggested to him that he should take previous steps for having at hand all witnesses and all documentary evidence which the Commission is likely to require, in order to avoid any unnecessary prolongation of their sittings.

There remains to be considered the subject of remuneration. It is needless to say that this will be the same for each member of the Commission. As the inquiry, notwithstanding its importance, cannot be expected to last long, it would be difficult to fix any suitable payment on the footing of salary. Looking, therefore, to all the circumstances of the case, the Duke of Newcastle proposes that the remuneration should consist of one fixed payment of 200*l.* to each Commissioner, to serve as compensation for his time, and likewise as an indemnity for those personal expenses and expenses of travelling which, under a different arrangement, would have been chargeable to the public. If the inquiry should admit of being concluded within the limits which are at present contemplated, the Duke of Newcastle trusts that this will prove to be a liberal compensation for the time it will occupy, whilst on the other hand he is certain that it cannot be more than suitable to the responsibility of the task and to the character and position of the gentlemen by whom it is to be discharged.

I am, &c.

(signed) *F. Rogers.*

— No. 2. —

COPY of a LETTER from *J. H. Gray, Esq.*, to Sir *F. Rogers, Bart.*

Sir,

St. John's, New Brunswick,  
7 July 1860.

I HAVE the honour to acknowledge a communication from you of the 16th June last,\* conveying to me the information that His Grace the Duke of Newcastle had been pleased to insert my name as Commissioner chosen by the Crown in the Commission to inquire into and determine the tenures of land in Prince Edward Island, and expressing His Grace's desire that I should serve on the Commission.

I have addressed a letter to His Grace, herewith enclosed, expressing my acknowledgments for the honour thus conferred, and accepting the appointment; which letter I have to request you will lay before him.

I have, &c.

(signed) *J. H. Gray.*

No. 2.

*J. H. Gray, Esq., to  
Sir F. Rogers, Bart.*

7 July 1860.

\* Page 116.

## Enclosure in No. 2.

Enclosure in No. 2.

St. John, New Brunswick,  
7 July 1860.

My Lord Duke,

I HAVE the honour to acknowledge a Despatch from Sir Frederic Rogers, under date or 16th June last, conveying to me, by your Grace's command, the information that your Grace had been pleased to insert my name as the Commissioner chosen by the Crown, in a Commission to inquire into and determine the tenures of land in Prince Edward Island, and expressing your Grace's desire that I should serve as such.

I beg to convey to your Grace my acknowledgments for the honour thus conferred, and to state that I will act on the Commission, and endeavour to discharge its duties faithfully and honourably as soon as I receive the Commission and its accompanying instructions.

I have, &c.  
(signed) *John Hamilton Gray.*

## — No. 3. —

No. 3.  
J. H. Gray, Esq., to  
the Duke of New-  
castle, K. G.

23 December 1861.

COPY of a LETTER from *J. H. Gray, Esq.* to His Grace the Duke of  
*Newcastle, K. G.*

St. John, New Brunswick,  
23 December 1861.

My Lord Duke,

ON the 5th of August last, I had the honour to transmit to your Grace, as Her Majesty's Principal Secretary of State for the Colonies, the Report of the Commission appointed by Her Majesty to investigate the land tenure disputes of Prince Edward Island. Accompanying the Report, I also sent to your Grace an account of the disbursements paid out by the Commissioners, amounting to 293 *l.* 14 *s.* 6 *d.* New Brunswick currency; all of which, except the mere personal expenses of Mr. Howe and Mr. Ritchie, have been borne by myself as claimant. I have not yet been honoured with any acknowledgment that this Report had reached your Grace's hands, but I trust your Grace will not regard me as wanting in proper respect, if I ask to be reimbursed the outlay referred to, the expenditure of which commenced in August 1860.

Your Grace will, I hope, observe that I am not guilty of the impropriety of touching upon the question of compensation to the Commissioners for their services, but am simply referring to the expenses paid out in the prosecution of this public inquiry.

If, in addressing your Grace on this subject, I am chargeable with any undue precipitancy, I have most respectfully to beg pardon.

I have, &c.  
(signed) *John Hamilton Gray.*

## — No. 1. —

No. 1.  
Messrs. Mont-  
gomery to the Duke  
of Newcastle, K. G.

11 December 1861.

COPY of a LETTER from Messrs. *Montgomery* to His Grace the Duke of  
*Newcastle, K. G.*

Stobo Castle, Peebles, N. B.,  
11 December 1861.

My Lord Duke,

WE, the undersigned proprietors in Prince Edward Island, having seen the copy of a letter addressed to your Grace by Sir Samuel Cunard, dated Bush-hill House, Edmonton, 2d October 1861,\* upon the subject of the Report of the Commissioners appointed by Her Majesty to investigate certain questions at issue between the proprietors and tenants in Prince Edward Island, beg respectfully to express to your Grace our entire concurrence in the views stated by Sir Samuel Cunard in that letter.

We have, &c.  
(signed) *G. Graham Montgomery.*  
*James F. Montgomery.*  
*Wm. Montgomery.*  
*Robt. Montgomery.*

244 *l.* 15 *s.* 5 *d.*  
sterling.

\* Page 78.



## — No. 2. —

COPY of a LETTER from the Right Honourable *C. Fortescue*, M.P.,  
to Messrs. *Montgomery*.

No. 2.  
Right Hon. C. Fortescue, M.P., to  
Messrs. Montgomery.  
20 December 1861.

Gentlemen,

Downing-street, 20 December 1861.

I AM directed by the Duke of Newcastle to acknowledge the receipt of your letter of the 11th of December, and to acquaint you that the representations of the proprietors of land in Prince Edward Island will not fail to engage the careful consideration of Her Majesty's Government, in connexion with the Report of the Commissioners, on the questions at issue.

I am, &c.  
(signed) *C. Fortescue*.

## — No. 1. —

COPY of a LETTER from Messrs. *Palmer* and *Pope* to His Grace the  
Duke of Newcastle, K.G.

No. 1.  
Messrs. Palmer &  
Pope to the Duke  
of Newcastle, K.G.  
18 Sept. 1863.

My Lord Duke,

115, Jermyn-street, St. James', London,  
18 September 1863.

WE have the honour to submit to your Grace, herewith inclosed, a letter from Lieutenant Governor Dundas of Prince Edward Island, acquainting your Grace of our being appointed by the Government of that Colony a deputation to communicate to your Grace the views of the Colonial Government on the land question.

It is our intention to remain in town, in the hope that we may be favoured with an interview with your Grace on the subject of our mission, and we most respectfully solicit the favour of an intimation from your Grace of what may likely be the earliest period at which it will be convenient for your Grace to grant us that honour.

We have, &c.  
(signed) *Edw. Palmer*.  
*W. H. Pope*.

## Enclosure in No. 1.

My Lord Duke,

Government House, 2 September 1863.

Enclosure in No. 1.

THE bearers of this letter, the Hon. Edward Palmer, Attorney General, and the Hon. William Henry Pope, Colonial Secretary of this Island, have been nominated by the Executive Council to proceed to London as a delegation from the Government of this Province to Her Majesty's Government on the land question.

The delegates are in possession of the views of the party in power on the subject, and are prepared, with your Grace's permission, to enter into the whole question.

To His Grace  
the Duke of Newcastle, K.G.

I have, &c.  
(signed) *George Dundas*,  
Lieut. Governor.

## — No. 2. —

COPY of a LETTER from Sir *F. Rogers*, Bart., to Messrs. *Palmer* and *Pope*.

No. 2.  
Sir F. Rogers, Bart.,  
to Messrs. Palmer  
& Pope.  
24 Sept. 1863.

Gentlemen,

Downing-street, 24 September 1863.

THE Duke of Newcastle has desired me to acknowledge the receipt of your letter of the 18th instant, requesting an interview on the subject of your mission to England, and to inform you that he will be happy to see you at this office as soon as he comes to London.

I have, &c.  
(signed) *Frederic Rogers*.

— No. 3. —

No. 3.

Messrs. Palmer &  
Pope to the Duke  
of Newcastle, K. G.

13 October 1863.

COPY of a LETTER from Messrs. *Palmer* and *Pope*, to His Grace the  
Duke of Newcastle, K. G.115, Jermyn-street, St. James', London,  
13 October 1863.

My Lord Duke,

THE undersigned, referring to the subject discussed at the interview with your Grace, with which they were yesterday honoured, beg leave respectfully to submit for your Grace's consideration the following propositions, expressive of certain concessions and privileges, which, if granted by the proprietors of land in Prince Edward Island to their tenants, would be accepted by the Government of that Island, as a settlement of the land question, and in lieu of the award of the Land Commissioners:—

First,—The undersigned propose that in the terms of the award of the Royal Commissioners, all arrears of rent prior to May 1858 be remitted; and that in all cases, if any there be, wherein tenants have paid to their landlords, at and time since the 13th February 1860, sums of money for rent, which sums in the whole exceed the rent which has accrued due from such tenants since May 1858, the amounts by which such payments shall exceed the rent, which shall have accrued due since May 1858, shall be placed to the credit of the tenants who shall have paid the same, by the landlords to whom the same shall have been paid; the tenants, in such cases, to have the privilege of appropriating such over payments towards the purchase of the fee simple of their respective holdings; and in all cases where lands leased originally at rents not exceeding 1 s. per acre, have been re-let at rents exceeding 1 s. per acre, the rents of such lands shall be reduced to the rate of rent reserved in the original leases of such lands when leased in their wilderness state. The latter stipulation is considered by the undersigned as necessary to meet those cases, wherein arrears of rent have heretofore been remitted, on condition that the tenants owing such arrears should take new leases, reserving a rent exceeding the original rent, by a sum equivalent to the annual interest, which it is assumed such arrears would yield the landlord were they paid to him, and by him invested.

Second,—The undersigned infer from the scheme submitted by the proprietors in the draft of the Bill transmitted by your Grace to the Lieutenant Governor of Prince Edward Island, that the proprietors are in all cases willing to sell their leased lands for 15 years' purchase of the reserved rents, payable in one payment in cash. The undersigned therefore propose that all tenants holding under leases granted for terms of 40 years and upwards, and who shall not be indebted one whole year's rent, shall at all times, within 20 years from the 1st day of January next, have the right to receive a conveyance of the fee simple of their farms, on tendering to their landlords 15 years' purchase of the reserved rent, together with the rent which may be due by such tenants in respect of such lands.

Third,—That all tenants holding as in the foregoing proposition is mentioned, who shall be indebted in more than one year's rent, shall, within the like period of 20 years, have a similar right to the fee simple of their respective holdings, on payment of 16 years' purchase of their reserved rents.

The undersigned most respectfully submit to your Grace, that the compliance of the entire body of the landed proprietors of Prince Edward Island with the foregoing propositions, and the enactment of a law to carry them into effect, would work such a settlement of the land question as would satisfy the majority of the people, realise the fullest expectations of the Royal Commissioners, and for ever terminate those unhappy disputes between landlord and tenant, which for several generations have kept alive an agitation which has most materially retarded, and which, so long as it exists, must necessarily continue to retard the development of the resources of the Colony, and thereby would most amply compensate such proprietors for any sacrifice of their strict legal rights which such compliance would involve.

The



The conversion of the entire leasehold tenures of the Colony into freehold is the end sought to be attained.

The rate of purchase should, the undersigned suggest, be such as to present an inducement to the tenant to become a freeholder. The rate of interest received in Prince Edward Island for money, generally, materially exceeds 6*l.* per centum per annum; and if the value of the freehold be fixed at 16 years' purchase, the number of purchasers will be far less than if the rate should be fixed at 15 years' purchase.

Many tenants, it is assumed, would purchase their farms if allowed the privilege to do so at 15 years' purchase, who, rather than buy at 16 years' purchase, would continue to pay rent, and invest their money in such a manner as to give them more than sufficient to discharge the claims of their landlord. The apparent loss which the landlords would sustain by selling at 15 years' purchase would, to a very great extent, be made up to them by reason of their being enabled to procure 6*l.* per centum per annum for their money, free from the risk and expense which necessarily attend the collection of rents. The undersigned deem it not improper to state that the rate of interest charged by the bank of Prince Edward Island has not been less, for several years past, than 7*l.* 10*s.* per centum per annum; and also that the estates which have been purchased by the Government of the Colony, namely, the "Worrell Estate," "Sir Hunt Johnston Welsh's Estate," the "Selkirk Estate," the "Sandfield Estate," and portions of the "Montgomery Estates," the whole comprising an area of upwards of 170,000 acres, together with all arrears of rent due thereon, have been acquired at a rate per acre, less on the average than five years' purchase of the reserved rent. The "Selkirk Estate" comprised 62,059 acres; the arrears of rent due by the tenantry thereon exceeded 9,000*l.* sterling. This estate, together with the arrears, was purchased in 1860 for 6,612*l.* sterling, which is less than 2*s.* 2*d.* per acre, and not equal to three years' rent.

The proposal to give to tenants owing to their landlords more than one year's rent the right to acquire the freehold of their farms on payment of 16 years' purchase of the reserved rent, in other words, allowing tenants in arrear for rent to discharge themselves from all liability to pay such arrears, with the exception of one year's rent, on their paying down 15 years' purchase of the reserved rent of their holdings for the purchase of the freehold, it is submitted is one which would operate beneficially alike to landlords and tenants. The settlement of the land question, which would be the result of the acceptance by the proprietors of the foregoing propositions, the statutory confirmation of proprietary titles, the subsidence of all agrarian agitation, the general absence of sympathy with those who would resist the just demands of the landlords, and the terminating of those extravagant hopes and expectations on the part of the tenantry that they would be enabled to acquire their lands at nominal prices, which have heretofore been entertained, and which will necessarily be cherished so long as the land question remains unsettled, would necessarily have the effect of materially increasing the value of proprietary estates. Very many of the well-to-do tenants would immediately prepare to purchase their farms, and all who would be able to pay rent would do so with regularity, conscious that it would be useless to expect the proprietors to allow their rents to fall into arrear at the risk of losing them.

It is assumed by the undersigned that the Government of Prince Edward Island would adopt the suggestion contained in the Despatch of your Grace to Lieutenant Governor Dundas, No. 24, dated 11th July 1863, and be prepared to advance to all tenants desirous of purchasing their farms either seven and one-half, or 10 years' purchase of the reserved rent of such farms, on receiving from such tenants the balance of the requisite purchase money, and thus to enable such tenants to pay their landlords "in one payment in cash." Assuming that such accommodation should be offered by the Government of Prince Edward Island, it is evident that the inducement to those tenants who are indebted in arrears for rents to purchase the freehold of their farms would be very great. Take the case of the tenant indebted in six years' rent: the landlord insists upon receiving his rent, and the tenant knows that he must satisfy the demand or lose his farm; such a tenant would necessarily be driven to purchase the freehold of his farm, for, if he paid the six years' rent to his landlord as rent it would be virtually thrown away; whereas, if he paid this

money to the Government, his farm would be purchased for him, subject only to a mortgage for a sum equivalent to 10 years' purchase (this is assuming that the Government will agree to advance 10 years' purchase to the tenant). The undersigned are well aware that the increased energy with which landlords would in future insist upon the payment of their rents would be complained of as one of the results of adoption of the foregoing propositions; but they are prepared to meet this objection by showing that the benefits to the tenants generally would far exceed the evils which might result to the few. The allowing rents to accumulate the undersigned believe is, on the whole, no less injurious to the interests of the tenant than to that of the landlord.

In offering the foregoing propositions as a settlement of the land question, and in lieu of the terms proffered by the Royal Commissioners, the undersigned cannot refrain from expressing their convictions that a settlement of the land question at the present moment is a matter of the utmost importance to the proprietors and to Prince Edward Island. The differences between landlords and tenants in the Island have, in consequence of the appointment of the Royal Commission in 1860, more especially assumed the importance of a public question. A long and painstaking inquiry has been instituted into these differences, and a remedy for them has been indicated by the Royal Commissioners. The proprietors who assented to the appointment of the Commissioners, and pledged themselves to abide by their recommendations, have refused to give their tenants those privileges which the Commissioners unanimously considered should be extended to them, and now seek to nullify the proceedings of the Commissioners by urging against their legality objections which they might waive, but which they insist upon, thereby crushing those reasonable hopes of relief which the tenantry had cherished, and intensifying and extending the feelings of hostility towards the landlords, which, ere their endeavour to avoid the award, were but too general and too bitter. Should the proprietors, in addition to repudiating the award, refuse those reasonable concessions now required at their hands, the undersigned fear that dissaffection among the tenantry will become very general, and that the due maintenance of good order prove a task of no ordinary difficulty in a Colony, the inhabitants of which exercise self-government, and where universal suffrage obtains.

We have, &c.  
(signed) *Edward Palmer,*  
*W. H. Pope.*

— No. 4. —

No. 4.

Sir F. Rogers, Bart.,  
to Messrs. Palmer  
& Pope.

30 October 1863

\* Page 120.

COPY of a LETTER from Sir *F. Rogers*, Bart., to Messrs. *Palmer* and *Pope*.

Gentlemen,

Downing-street, 30 October 1863.

I AM directed by the Duke of Newcastle to acknowledge the receipt of your letter of the 13th instant,\* submitting a proposal for the settlement of the land question in Prince Edward Island, and to acquaint you that the duplicate with which you have furnished his Grace has been forwarded to Sir S. Cunard.

I have, &c.  
(signed) *Frederic Rogers.*

— No. 5. —

No. 5.

T. F. Elliot, Esq.,  
to Messrs. Palmer  
& Pope.

7 November 1863.

COPY of a LETTER from *T. F. Elliot*, Esq., to Messrs. *Palmer* and *Pope*.

Gentlemen,

Downing-street, 7 November 1863.

WITH reference to Sir F. Rogers' letter of the 30th October, stating that the duplicate of your proposal for the settlement of the land question in Prince  
Edward



Edward Island had been forwarded to Sir Samuel Cunard, I am directed by the Duke of Newcastle to acquaint you that Sir S. Cunard has informed him that he will endeavour to see some of the proprietors and ascertain their views on the subject.

I am, &c.  
(signed) *T. Fredk. Elliot.*

## — No. 6. —

COPY of a LETTER from *W. H. Pope, Esq.*, to His Grace the Duke of Newcastle, K.G.

No. 6.  
*W. H. Pope, Esq.,*  
to the Duke of  
Newcastle, K.G.  
21 Nov. 1863.

115, Jermyn-street, London,  
21 November 1863.

My Lord Duke,

ON the 7th instant I had the honour to receive, by direction of your Grace, the intimation that the proposal for the settlement of the land question of Prince Edward Island, submitted by Mr. Palmer and myself to your Grace, had been forwarded to Sir Samuel Cunard, and that Sir Samuel Cunard had informed your Grace that he would endeavour to see some of the proprietors and ascertain their views on the subject. I feel very reluctant to intrude, in the slightest degree, upon the attention of your Grace at the present time; I, nevertheless, venture to request that your Grace will be pleased to direct that Sir Samuel Cunard may be written to, with the view of learning whether he has as yet seen any of the proprietors, and whether it is probable that the principal proprietors will accept the proposal for the settlement of the land question now before them, and that the purport of Sir Samuel Cunard's reply may be communicated to me.

I have, &c.  
(signed) *W. H. Pope.*

## — No. 7. —

COPY of a LETTER from *T. F. Elliot, Esq.*, to *W. H. Pope, Esq.*

No. 7.  
*T. F. Elliot, Esq.,*  
to *W. H. Pope,*  
*Esq.*  
26 Nov. 1863.

Sir,

Downing-street, 26 November 1863.

I AM directed by the Duke of Newcastle to acquaint you, in reply to your letter of the 21st instant, that his Grace is informed by Sir S. Cunard that in consequence of the absence from town of the proprietors of land in Prince Edward Island, he has not yet been able to consult with them on the proposal submitted by yourself and your colleague for the settlement of the land question, but that he will take the earliest opportunity of doing so.

I have, &c.  
(signed) *T. Fredk. Elliot.*

## — No. 8. —

COPY of a LETTER from *W. H. Pope, Esq.*, to His Grace the Duke of Newcastle, K.G.

No. 8.  
*W. H. Pope, Esq.,*  
to the Duke of  
Newcastle, K.G.  
27 Nov. 1863.

My Lord Duke,

Athenæum Club, London,  
27 November 1863.

IN the communication addressed to your Grace by the Law Officers of the Crown, on the subject of the address to the Queen from the Council and Assembly of Prince Edward Island, dated, Temple, 9th June 1863, allusion is made to a letter addressed by Sir Samuel Cunard to your Grace, in which the proprietors, through Sir Samuel Cunard, state their objections to the award of the Land Commissioners.

A copy of this letter was submitted to the Law Officers of the Crown.  
My object in addressing your Grace, is, respectfully to request that your Grace will be pleased to direct that I may be furnished with a copy of Sir Samuel Cunard's letter referred to.

I have, &c.  
(signed) *W. H. Pope.*

## — No. 9. —

No. 9.  
Sir F. Rogers, Bart.,  
to W. H. Pope, Esq.  
5 December 1863.

COPY of a LETTER from Sir *F. Rogers*, Bart., to *W. H. Pope*, Esq.

Sir, Downing-street, 5 December 1863.  
I AM directed by the Duke of Newcastle to acknowledge the receipt of your letter of the 27th November, and to acquaint you that, as the question to which Sir S. Cunard's letter, of which you desire to have a copy, relates, has been definitively settled, his Grace does not perceive that any purpose would be answered by communicating it to you.

I am, &c.  
(signed) *Frederic Rogers.*

## — No. 10. —

No. 10.  
T. F. Elliot, Esq.,  
to W. H. Pope, Esq.  
10 December 1863.

COPY of a LETTER from *T. F. Elliot*, Esq., to *W. H. Pope*, Esq.

Sir, Downing-street, 10 December 1863.  
I AM directed by the Duke of Newcastle to transmit to you, for any observations which you may have to offer, the enclosed copy of a letter\* from Sir Samuel Cunard, accompanied by the draft of a Bill for the settlement of the Prince Edward Island Land Question.

I am also directed to enclose a copy of a previous letter† from Sir S. Cunard, dated the 14th ultimo, communicating to his Grace his own views on the subject; but it does not appear to his Grace that any advantage would be gained by pursuing the questions raised in this letter, which relates principally to past transactions.

I am, &c.  
(signed) *T. Fredk. Elliot.*

## — No. 11. —

No. 11.  
W. H. Pope, Esq.,  
to the Duke of  
Newcastle, K. G.  
18 December 1863.

COPY of a LETTER from *W. H. Pope*, Esq., to His Grace the Duke of *Newcastle*, K. G.

My Lord Duke,

Athenæum Club, Pall Mall,  
18 December 1863.

I HAVE the honour to acknowledge the receipt of a communication from Mr. Elliot, dated Downing-street, 10th December instant, in which was transmitted to me, by your Grace's directions (for any observations which I might have to offer), a copy of letter from Sir Samuel Cunard, accompanied by the draft of a Bill for the settlement of the Prince Edward Island land question; and also a copy of a previous letter from Sir Samuel Cunard, dated the 14th ultimo, communicating to your Grace his own views on the subject.

Referring, my Lord Duke, to the communication of Sir Samuel Cunard to your Grace, dated 14th November last, which purports to express the sentiments of that gentleman, and to be in reply to the proposals for the settlement of the land question of Prince Edward Island, submitted to your Grace by Mr. Palmer and myself on the 13th October last, I regret to acquaint your Grace, that the character and tendency of the statements therein made by Sir Samuel  
Cunard



Cunard are, in my opinion, such as imperatively demand from me, on public grounds, more than a mere acknowledgment.

Sir Samuel Cunard commences his communication by adverting to the original granting of the Island in large lots; a subject not even alluded to in the proposals to which he professes to reply, in the following terms:—

“It may not be out of place to advert to the original granting of the Island, about 90 years ago, in large lots, which has been so much and so severely commented upon. It was an act of necessity, the Island at that time being derelict, and it was absolutely necessary to make arrangements for taking possession of it. The grantees have all lost very heavily by accepting the grants; but no individual on the Island, at present, has been injured by that proceeding; on the contrary, these grants have been made a fruitful source of profit to the present generation, for when money is required for any purpose, a law is passed to raise the amount by a tax on the proprietors’ land.”

Sir S. Cunard’s  
letter, 14 November  
1863, page 89.

It is not my intention, my Lord Duke, in this communication to argue the question whether the alienation of the entire lands of an infant Colony in one day to a hundred individuals by lottery was or was not a disposition of them forced by necessity upon His Majesty’s Government in the year 1767, or whether it was a judicious or injudicious mode of dealing with the Colony.

The assertion of Sir Samuel Cunard, that no individual on the Island at present has been injured by that proceeding, but that the present inhabitants have been benefited by the original alienation of the lands of the Colony, “for when money is required for any purpose, a law is passed to raise the amount, by a tax on the proprietors’ lands,” is not to me very intelligible. It is undeniable, my Lord Duke, that several of your Grace’s predecessors in office have declared this disposition of the public property of the Colony a fruitful source of discontent on the part of its inhabitants, as the records of the Colonial Office amply testify.

The lands of the Island generally, of the thousands of small freeholders and leaseholders, as well as of the owners of townships and of several thousand acres, who are generally intended by the designation “proprietors,” are, and for years past have been, taxed in order that a revenue might be raised for the public service; and the taxes which it is now found necessary to impose for this purpose upon the land, it is fair to assume, are greater than they would have been, had not the Colony in its infancy been deprived by the original grants of the lands which should have formed the public demesne, and, as in other Colonies, proved a fruitful source of revenue.

In support of the extraordinary statement, that “when money is required for any purpose, a law is passed to raise the amount by a tax on the proprietors’ land,” Sir Samuel Cunard instances three taxes imposed by the Legislature of Prince Edward Island. “I can recollect” (writes Sir Samuel Cunard to your Grace) “the following taxes; viz., one for making the great roads in the Island, another for the encouragement of education, and another for erecting in Charlotte Town a large building for the Parliament to assemble in, and for all other Government purposes. This was a costly edifice, being constructed in cut stone, imported into the Colony, and I believe the tax was continued after a sufficient sum had been raised to cover the cost.”

Sir S. Cunard’s  
letter, 14 November  
1863, page 89.

*First—As to the Tax for making Great Roads in the Colony.*—The only law that has, within the recollection of Sir Samuel Cunard, been in force in Prince Edward Island, rendering the lands of proprietors liable to contribute to the making of great roads, was the Act 10 Geo. 4, cap. 10, which was intitled “An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.” This Act, together with the Acts in amendment, have been consolidated by the Act 12 Vict. cap. 1.

10 Geo. 4, c. 10.

The Act 10 Geo. 4, cap. 10, authorised the Lieutenant Governor and Council of Prince Edward Island, to open roads where necessary through cultivated or wilderness lands, and enacted, that when any road should be ordered to be opened under the Act in question, the sheriff should be directed, by a writ from the Supreme Court, to ascertain, by the oaths of a jury or juries, the injury or advantage which such road would occasion to the owners of the land through

which

which it should pass, and that the owners should be compensated, or required to contribute towards the cost of such road accordingly.

The only expensive road ever ordered to be constructed through uncultivated lands by virtue of this Act, was ordered to be opened in the year 1838; it was the great highway to the northern extremity of the Island, and was projected through lands owned chiefly by Sir Samuel Cunard.

The inquests of the juries were returned into the Supreme Court in the autumn of the year 1838; the amount thereby assessed to be paid by Sir Samuel Cunard was upwards of 1,000 *l.* No appeal was demanded against the findings of the juries, nor was any application made to have them quashed, by Sir Samuel Cunard, or his agents.

The local Government was allowed to proceed with the construction of the highway, and to finish the same, at a cost of upwards of 1,600 *l.* (the Government were by law required to make the roads before the proprietors could be called upon for the amount assessed against them); then, as will appear to your Grace, by reference to the Report of the then Attorney General (now the Chief Justice of Prince Edward Island), transmitted to your Grace's predecessor Lord Stanley, by the Lieutenant Governor of the Island, in a Despatch, No. 110, dated Government House, Prince Edward Island, 24th October 1843, for the first time objections were started to the proceedings taken under the Act, and an application was made to the Supreme Court to quash the writs, and all proceedings under them, on the ground of irregularity. The irregularity was this: the assessment was not made within the time limited therefor by the writ, but subsequently thereto. The application to the Supreme Court was successful; the writs were quashed, and Sir Samuel Cunard, by a purely captious objection, evaded the payment of upwards of a thousand pounds, and reaped the advantage of the road constructed through his property at the expense of the people of Prince Edward Island.

The effect of opening this road upon Sir Samuel Cunard's property may be inferred from the following paragraph taken from the Report of the Attorney General, transmitted to Lord Stanley in the Despatch of the 24th October 1843, before referred to:—

“As a proof of the increased value of a portion of the lands, viz., townships numbers 4, 5, and 6 (the property of Sir Samuel Cunard), it is matter of fact, that in the year 1839, before the expenditure of the public money upon the roads and bridges, they were purchased for the sum of 9,600 *l.* sterling, and subsequently, in the year 1842, after the roads and bridges were made, agreed to be resold for the sum of 25,000 *l.* sterling, affording a profit of the sum of 15,400 *l.* sterling, this gain no doubt arising in a very great degree, from the expenditure of the public money in making the roads and bridges in question.”

That Sir Samuel Cunard was the proprietor of the lands in question, and that the amount which he was assessed to pay was about the sum of 1,000 *l.*, will appear by reference to the memorial of that gentleman to Lord Stanley, dated Halifax, 2d May 1843. How far the original grants have been made a fruitful source of profit to the present generation in that Island, by reason of Sir Samuel Cunard's extensive estates, held under them, having been taxed for the making great roads, your Grace will have little difficulty in determining.

The next evidence adduced by Sir Samuel Cunard in proof of his assertion that the original grants had been made a fruitful source of profit to the present generation, is the imposition of—

*The Tax for the Encouragement of Education.*—This tax is imposed by the Acts 11 Vict. cap. 7, and 24 Vict. cap. 35, and is not, as Sir Samuel Cunard would have your Grace infer, “levied chiefly upon unproductive land, the cultivated paying only half the rate of the uncultivated land.”

The taxes to which the lands of the Colony are now subjected for education and all other purposes, are imposed by these two Acts. Cultivated land is rendered liable for the payment of 6 *s.* 8 *d.* per 100 acres; uncultivated land to the payment of 9 *s.* 2 *d.* per 100 acres; and these taxes are equivalent to the tax imposed by the Act 7 Will. 4, cap. 31, increased by the imposition of an uniform tax of one halfpenny per acre, which is especially declared to be for the purposes of education.



In the year 1861, the whole amount derived from the taxes on the uncultivated lands of the Colony was 811 *l.* 5 *s.* currency; while the cultivated land, in the same year, paid 3,819 *l.* 4 *s.* 1 *d.* The penal or differential tax upon wilderness land in 1861, was equivalent to the small sum of 221 *l.* 15 *s.* currency, or less than 150 *l.* sterling.

I shall now, my Lord Duke, consider the third evidence adduced by Sir Samuel Cunard in proof of this extraordinary assertion, viz., the imposition of the—

*“Tax for erecting in Charlotte Town a large Building for the Parliament to assemble in, and for all other Government purposes.”*—The only taxes ever levied upon the lands of the Colony for the purpose of erecting public buildings, were imposed by the three Acts following, viz.—

1. The Act 49 Geo. 3, cap. 9. This Act imposed an uniform tax upon all lands of 2 *s.* currency per 100 acres.

Under this Act was collected about 1,400 *l.*

2. The Act 11 Geo. 4, cap. 17. This Act imposed the same rate of tax as the Act 49 Geo. 3, cap. 9.

Under this Act was collected 8,516 *l.* 15 *s.* 2 *d.*

3. The Act 7 Will. 4, cap. 31. This Act imposed a tax of 2 *s.* on every 100 acres of cultivated land, and 4 *s.* on the like quantity of uncultivated land.

Under this Act was collected 18,133 *l.* 8 *s.* 3 *d.*

These Acts produced in the aggregate 28,050 *l.* 3 *s.* 5 *d.*

By reference to the 12th section of the Act 11 Geo. 4, cap. 17, your Grace will observe that it was thereby enacted, that this Act should have no force or effect “until it should be ascertained that His Majesty shall have been pleased to relinquish all claim to the quit rents” during the continuance of the above recited Acts. A similar provision was inserted in every subsequent Act imposing a land tax.

The quit rents, taking the rate as reduced by the Prince Regent’s Proclamation in 1818, viz., 2 *s.* sterling per 100 acres (about one-half the average rate imposed by the original grants), during the 16 years of the operation of the Acts 11 Geo. 4, cap. 17, and 7 Will. 4, cap. 31, would have amounted to 34,066 *l.* 16 *s.* currency. It follows, therefore, that by reason of these enactments, of which Sir Samuel Cunard complains, the owners of land gained no less a sum than 6,016 *l.* 12 *s.* 7 *d.* If this sum be added to the arrears due at the time of the passing of the Act 11 Geo. 4, cap. 17, which arrears were generously remitted by the Crown to Sir Samuel Cunard and others, who now appear so reluctant to grant concessions to their poor tenants, it would represent a sum many times exceeding every tax that has ever been paid in respect of the lands of Prince Edward Island, from the date of the original grants to the present hour.

The next statement of Sir Samuel Cunard to which I would direct your Grace’s attention is the following:—

In my leases, “the rent and purchase-money are made payable in British sterling money, and were so paid for many years, until an Act was passed reducing the 1*l.* sterling to 16*s.*” “Thus the Act reduced the value of my rent and sales 25 per cent.”

My Lord Duke,—I shall not, I think, have much difficulty in convincing your Grace that this statement of Sir Samuel Cunard is not borne out by the facts of the case. The Act referred to by Sir Samuel Cunard, as reducing his rents and sales 25 per cent. is the Act 17 Vict. cap. 6. This Act was passed by the Legislature of Prince Edward Island, under the following circumstances:

In the early days of the Colony, when sterling money of Great Britain was paid, the equivalent in currency was determined by the addition to the sterling of one-ninth. For instance, the landlord whose tenant had covenanted to pay him 5*l.* British sterling money as the annual rent of 100 acres of land, granted an acquittance therefor on receiving 5*l.* 11*s.* 2*d.* of the current money of the Island. This practice continued until 1854, and in fact is still observed, with very rare exceptions although for many years past the currency of the

Island has been so depreciated that the British *l.* has been, as it now is, equivalent to 30 *s.* currency. In 1854, the Legislature, believing that very many tenants had signed leases in which the rent was reserved in British sterling money, under the belief that they would never be called upon to pay more than the currency of the Island with a ninth added, and that doubts had been raised as to whether such rents could not be legally enforced in sterling money, irrespective of the long-established usage which had prevailed, and which still prevailed, passed the Act 17 Vict. cap. 6, which Act, after reciting the Act 12 Vict. cap. 24, declared, "That the enactments contained in the said ninth section of the said recited Act, made and passed in the 12th year of Her present Majesty, intituled, 'An Act to regulate the Specie Currency of Prince Edward Island,' shall extend and be construed to extend and apply with regard to the mode of converting sterling money into currency, that is to say, by adding one-ninth part to such sterling money in order to bring it into currency, to any lease, bond, or other monetary obligation made and entered into before the passing of the said last recited Act, unless in cases or in any case where a contrary course may have been mutually recognised and acted upon by the party or parties to any such bond, lease, or obligation, either before or since the passing of the said last recited Act, anything therein or in this Act to the contrary notwithstanding."

The 9th section of the Act 12 Vict. cap. 24, above recited, is as follows:—"And be it enacted, that as in certain cases the fees in public offices have been defined by statute to be payable in sterling money, and as it has been customary heretofore, in payment of the said fees, to convert the sterling into currency by the addition of one-ninth part, such fees shall continue to be paid and received at the usual rates, anything in this Act to the contrary notwithstanding."

The Act of 17 Vict. cap. 6, evidently affects only those leases and contracts in which are covenants or agreements for the payment of sterling money made before the passing of that Act, and such leases and contracts only in cases in which the parties to such leases or contracts shall have mutually recognised the practice of converting sterling money into currency by adding one ninth part to such sterling money; so that if Sir Samuel Cunard is correct in his statement that in his "leases the rent and purchase-money are made payable in British sterling money, and were so paid for many years, until an Act was passed reducing the *l.* to 16 *s.*, he must necessarily be in error when he asserts that the Act to which he alludes reduced the value of his rent and sales 25 per cent."

As to the alleged "unjust" and "vexatious" laws which Sir Samuel Cunard states to have been passed by the Legislature of Prince Edward Island, by which he and other proprietors have been deprived of one-fourth of their property, and had difficulties placed in the way of the collection of the remainder, I have no further observation to offer to your Grace than that the Acts thus characterised were duly approved by your Grace, or your Grace's predecessors in the office of Secretary of State for the Colonies, by whom they were submitted for Her Majesty's allowance.

Sir Samuel Cunard next proceeds to state to your Grace the terms upon which he lets his lands in Prince Edward Island. "The poor man," says Sir Samuel Cunard, "who applies to my agent for land, obtains it on the following terms, viz.: one year at 3 *d.* per acre, one year at 6 *d.* per acre, one year at 9 *d.* per acre, and thereafter at 1 *s.* per acre."

After enumerating the privileges which the "poor man" becoming his tenant on these terms would have, such as "the privilege of cutting timber for building a house and outhouses, as well as for fuel and other purposes," Sir Samuel Cunard informs your Grace that if the "poor man" who takes a lease of fifty acres of his land in Prince Edward Island "be an industrious man," he will have a comfortable homestead at the end of four years, together with fifty acres of land, for which he is to pay annually 37 *s.* 6 *d.* sterling." Sir Samuel Cunard adds, "I have granted 1,496 leases within the last twenty-five years; many of the parties are comparatively rich, while some of them have purchased their freeholds; others would do so, but prefer retaining the money, being aware that they have the privilege of purchasing at any time."

My Lord Duke,—It is well known to all who are acquainted with the North American Colonies, that no man without capital, no "English farm labourer," it matters not how industrious he may be, can go into the woods and procure  
from



from the soil sufficient to support a wife, and pay rent for fifty acres of land, at 3*d.* an acre, and at the end of four years possess a "comfortable homestead."

The able and experienced author of the Appendix to the Report of the Royal Commissioners thus treats on the subject of—

*Clearing up a Farm.*—"When a new settler begins without capital, it is as much as he usually can do to clear two acres per year; at the end of four years, when his rent is 6*d.* an acre, he may have eight acres cleared; say, two in potatoes and turnips, two in wheat, and two in indifferent hay. The rent goes on increasing from 3*d.* an acre, at the end of two years, to 1*s.* at the end of eight years, when it becomes 18 dollars and 56 cents per 100 acres; at that time there may be an addition to the above crop of about two or three tons of hay and no pasture, the rent being about 1 dollar and 80 cents per acre for the useful land (equal to about 11*s.* 3*d.* currency). The tenant may leave out the oat crop and get better hay, or continue the oats until the land will not bear hay; the value taken off the ground will, in either case, be about the same. Where money has to be raised, oats seem to be the only resource, although the exhaustion makes it unprofitable in the long run. At the end of eight or ten years he may have twenty acres cleared, and about the same area of ground in crop as before; the remainder of clearing being in pasture, then stumping comes on, and a second course of cropping at the rate of about two acres a year (the clearing being continued), till at the end of 20 years there are perhaps 30 or 40 acres of cleared land, with from 15 to 20 under the plough, and one-half of that pretty well worn out by cropping. Sometimes clearing is carried on at a more rapid rate; circumstances may be peculiarly favourable, or there may be grown-up sons in the family, which is equivalent to capital; but in the majority of cases this is a pretty fair account of a new settlement. Except in very favourable circumstances it is impossible to pay the rent and support a family by what is raised upon such a farm. If 50 or 60 acres were cleared, and in good heart, the demand might be easily met; this, however, requires either capital or time. The few persons who have capital do not lay it out in this way; the demand for rent comes on too soon, and even if not paid, remains an incubus upon the energies of the farmer, and prevents improvements."

Sir Samuel Cunard has also informed your Grace that many "of his tenants are comparatively rich." I shall proceed to prove to your Grace that "many" of Sir Samuel Cunard's tenants, as well as the tenants of other proprietors, are in very destitute circumstances.

First, as to Sir Samuel Cunard's tenantry: when the Royal Commissioners held their court in Prince Edward Island, they were furnished, by Sir Samuel Cunard or his agent, with a tabular statement, which your Grace may find by reference to the Appendix to the Report of the Commissioners, in your Grace's possession; it is intitled, "Synopsis of Estate of Sir Samuel Cunard in Prince Edward Island, 1860." From this return it appears that the number of tenants holding under lease on Sir Samuel Cunard's estates, is 971; that they hold 64,889 acres, which is equivalent to an average of about 66 acres to each tenant; that the reserved rent amounts to 3,434*l.* 18*s.*, or a little over 1*s.* per acre, and that the amount of arrears due in 1860 was 17,073*l.* 6*s.* At the foot of this Table is the following note: "As the rent is not considered due till the autumn, the arrears should be reduced by the amount of the yearly rent received, which would leave the arrears about 14,000*l.*" Taking the arrears at 14,000*l.*, the amount due, divided among the 971 tenants, would give to each tenant a sum exceeding 14*l.*, or upwards of 4*s.* an acre for any acre leased, and, as many of Sir Samuel Cunard's tenants are "comparatively rich," it may fairly be assumed that they owe no arrears of rent; hence it necessarily follows that many of them are very heavily in arrear.

This synopsis shows that, on Sir Samuel Cunard's townships, 63 and 64, there are 173 tenants holding 11,010 acres, and that they are indebted in arrears 5,451*l.* 10*s.*, which, allowing the annual rent to have been paid in 1860, and in every year since, would leave the arrears upwards of 7*s.* an acre, supposing every tenant to be alike indebted. Townships, Nos. 44, 45, and 46, are mentioned as having on them 122 tenants, holding under Sir Samuel Cunard, occupying 7,709 acres, and indebted for rent in arrear upwards of 2,300*l.*, which is equal, on an average, to nearly 6*s.* per acre. The condition of the tenantry on these last-mentioned townships is specially noticed in the Appendix to the

Report of the Royal Commissioners. The produce raised by each tenant, carefully ascertained from the returns of the census made up by sworn enumerators, is given, and the whole is summed up in the following words :—

*Township 44.*—“ Here are 52 out of 57 persons who have barely a sufficiency of grain and vegetable food, without the means of getting meat, or wool for clothing, not to say foreign luxuries or payment of rent.

*Township 45.*—Of the 14 tenants of Sir Samuel Cunard, who are divided into two classes, nine first class, and five second class, the produce of whose lands is given, it is reputed that after deducting one-tenth of the product of the farms of the first class for seed, “ the remainder will about provision an average family of six and a half persons, and feed a horse while doing the farm work, nothing to spare. The second class must get provision from some other quarter or starve.”

*Township 46.*—Of this township it is said, “ Here are 14 families, in fair circumstances, four very little, if anything, to spare, and 13 with about half the year’s provisions.”

My Lord Duke,—The foregoing as well as the following extracts from the Report of the Royal Commissioners are better calculated to give your Grace a correct estimate of the condition of the tenantry of Prince Edward Island than the representations of interested parties. The extracts following are the conclusions drawn from the Census Returns of 1861, and were prepared so as to give a proper idea of the means derivable from the soil at command of the tenants, for the payment of rent and maintenance of families.

“ *Tables deduced from the Census of 1861, showing character of the Leases, the quality and produce of the Lands leased in 22 Townships, indiscriminately selected, and the means derivable therefrom for paying the stipulated Rent.*—These Tables are extracted from the returns of the enumerators of the Census of 1861, and the value of the produce computed so as to give a proper idea of the means derivable from the soil at command of the tenants for the payment of rent, and for the maintenance of families. The most striking feature of these Tables is the small value of produce upon many of the farms ; for instance, on nine lots in King’s County, the produce of four-sevenths of the tenantry is below 30 *l.* in value, the average being about 15 *l.* 6 *s.* currency, or 10 *l.* 4 *s.* sterling. Another seventh have produce between 30 *l.* and 40 *l.*, average 35 *l.* The remaining two-sevenths run between 40 *l.* and 100 *l.*, average 60 *l.* ; but 18 families out of the nine lots average 179 *l.*, and four others 276 *l.* The food of one person for a year at the prices calculated, will hardly be less than 4 *l.*, say 2 *l.* for bread and potatoes, and 2 *l.* for meat and fish, and taking the average family at six and a half persons, the amount will be 27 *l.* ; to which add 30 bushels of oats for feeding a horse while at work, say 30 *l.* in the whole, besides milk and vegetables in the summer ; but considering the small quantity of fodder for seven months’ feed of cattle, and the pooriness of the pastures in summer, the relief from milk cannot be very great. Taking the provisions of the family at 27 *l.* a year, it is only 10 *s.* 4  $\frac{1}{2}$  *d.* currency, or 6 *s.* 11 *d.* sterling per week ; there is no surplus for the payment of rent or purchase of foreign articles ; but of four-sevenths of the tenants this is the maximum income ; the average is only about one-half of this sum ; there is also another seventh but slightly raised above this ; nor is this state of things occasioned, except partially, by the newness of the settlement. An examination of the Tables shows that the new farms are not numerous, and that in the greater number of instances small crops are drawn from farms long settled upon. It may be surmised that these persons get a good deal of their living by fishing, but this can hardly be the case, as the greater part of the poor tenantry are in the interior of the townships, out of reach of the fishery. As regards clothing, these people can make for themselves, if they had materials, but the source from which they are to be drawn is not obvious. By the Tables of 1855 all the sheep in these townships averaged but eight to a family, and as the more wealthy have a large share, the number owned by the poorer class can hardly be put at more than three or four to each family. How clothing and shoes are obtained by these people to meet the rigours of winter, is a question difficult to solve ; it has been said that there is a great deal of suffering among them at times, and the statistics prove that it must be true.”

Having



Having replied to the statements of Sir Samuel Cunard in reference to subjects not mentioned in the proposals for the settlement of the land question, I shall now proceed to consider his observations, directly bearing upon the said propositions submitted by Mr. Palmer and myself.

Sir Samuel Cunard informs your Grace that some of the propositions of the delegates appear to be complicated and difficult to be understood, but all of them "interfere with the written agreements between landlord and tenant, and go to deprive the landlord of his just rights; one proposal is for the remission of arrears of rent prior to May 1858; another to reduce the term of purchase from 20 to 15 years; this would not appear to be a very just proposition when it is considered that an Act has already been passed reducing the sterling money in which the rents and purchases are payable to the extent of 25 per cent., so that this further demand is a further additional reduction of 25 per cent. Another proposal is, that land leased originally at 1 s. per acre, and now paying a higher rate, should be reduced to 1 s." I regret, my Lord Duke, that the propositions submitted by the delegates should appear to Sir Samuel Cunard complicated and hard to be understood; that they interfere with the written agreements between landlord and tenant, and go to deprive the landlord of his strict "legal rights" I freely admit. If such were not the fact, the mode of settlement proposed would not have required, nor would it have been submitted for the approval of Sir Samuel Cunard and his fellow proprietors. Your Grace has already expressed the opinion that the landowners of Prince Edward Island cannot even "hope to recover" from their tenants "their strict legal rights," and that a settlement of the differences now unhappily existing between such landowners and their tenants is desirable, even at the sacrifice of much that is the legal right of the landowners.

Letter of Sir S. Cunard, 14 November 1863, p. 89.

Despatch to Lieut. Governor, Prince Edward Island, 11 July 1863.

My Lord Duke, at several periods between the date of the original grants of Prince Edward Island and the year 1833, had the Crown exacted the arrears of quit-rent, its "strict legal right," many proprietors would have had to pay sums of money exceeding the value of their estates, or would have been deprived of them. The objection to the proposal to fix the rate of purchase at 15 years, based upon the assumption "that an Act has already been passed reducing the sterling money, in which the rents and purchase-moneys are payable, to the extent of 25 per cent.," I submit it is of no force.

I have already proved to your Grace that this Act, referred to by Sir Samuel Cunard, does not at all affect any lease granted since the year 1854. That it applies only to leases granted prior to that year, and as to such leases, simply declares that the landlord shall continue to receive his rents reserved in sterling, at the rate of exchange at which, previously to that year, such landlord had been accustomed to receive them: No landlord, therefore, can truthfully assert that by reason of that Act the receipts from his lands have been lessened to the extent of one penny.

My Lord Duke, in the year 1840 the House of Assembly of Prince Edward Island examined before a Committee the agent of Sir Samuel Cunard as to the manner in which payment was required from the tenants of that gentleman, in whose leases rents were reserved in sterling money. The following questions and answers, put to and given by that agent, who was the Solicitor General of Her Majesty for the Island, while they conclusively determine the credibility due to the statement of Sir Samuel Cunard to your Grace, that "in his leases the rent and purchase-money are made payable in British sterling money, and were so paid for many years, until an Act was passed reducing the 1 l. to 16 s.," must, I think, satisfy your Grace that the Act 17 Vict. c. 6 was "neither a vexatious Act," nor one which "unjustly deprived" that gentleman, or any other proprietor, of "one-fourth" of his property, but on the contrary was a necessary and proper Act. The question and answers are as follow:—

"Committee Room, Session 1840. *James H. Peters, Esq., Solicitor General,* called in, and examined:

"*Question.*—Are you a land agent, and for whom?—*Answer.*—I am the agent of my father-in-law, Mr. Cunard.

"*Q.*—Have you settled any persons on the lands (of Mr. Cunard), and on what terms?—*A.*—I have given leases for about 8,000 acres this last year.

"*Q.*—On what terms were these tenants or occupiers settled?—*A.*—Those who

who had been there a number of years on leases of 999 years, at one shilling sterling per acre.

"Q.—What do you consider to be one shilling sterling?—A.—I add one-ninth to the currency of the Island, and I consider this makes a sum in currency equivalent to the sterling.

"Q.—If five pounds sterling be the rent of a farm, what sum in currency will be equivalent thereto, for payment of the rent of the leases you have given?—A.—Five pounds, eleven shillings and two pence, or thereabouts of the currency of this Island.

"Q.—If the matter be gone to the rigour?—A.—Then I would not feel obliged to take the currency, I would take dollars at 5 s. and add one-ninth, that is, I would take 5 *l.* 11 s. 2 *d.* in dollars at 5 s.

"Q.—Is the Committee to understand that the tenants under your leases must pay in dollars at 5 s.?—A.—I do take at present all monies current in the Island, but could enforce a legal tender, as before explained."

Although the Act 17 Viet. c. 6, complained of by Sir Samuel Cunard, was passed in 1854, since which time many leases have, I presume, been granted to tenants on his estates, reserving rent in sterling money of Great Britain, I believe it to be the fact that neither Sir Samuel Cunard, nor any other proprietor, has ever required such rent to be paid, other than after the rate mentioned in the Act. This, my Lord Duke, is an important fact, evidencing the justice and propriety of the Act. The proposal that rents which had been raised from 1 s. to 1 s. 6 *d.* per acre should be reduced to 1 s. was, as was clearly stated in the proposals, intended as a means of carrying out the "remission of all arrears prior to May 1858," as awarded by the Commissioners.

It now remains, my Lord Duke, to consider the "draft bill" submitted to your Grace by Sir Samuel Cunard. The main feature in any Act intended as a settlement of the land question must necessarily be the rate at which every tenant shall have the right to convert his leasehold into freehold. In the Act submitted, the rate of purchase is fixed higher than in the draft bill previously furnished to your Grace by Sir Samuel Cunard; and although it is the same as is suggested in the plan of settlement laid down in your Grace's Despatch of the 11th of July last, the plan suggested in your Grace's Despatch differs from that laid down in the draft bill of Sir Samuel Cunard in this material point, that the latter does not make any distinction based upon the difference in the quality and value of the lands.

I respectfully submit, my Lord Duke, that if the leasehold tenures of Prince Edward Island are ever to be converted into freeholds, this end will not be accomplished by any Act which fixes an uniform rate of purchase, without recognising the differences which exist in the quality and value of the lands. I deem it quite unnecessary, my Lord Duke, at the present time to offer any observations upon the details of the Bill just submitted by Sir Samuel Cunard. I am, my Lord Duke, most anxious that a settlement of the existing difficulties arising out of the land question should be arrived at, and I beg respectfully to request that your Grace will be pleased to call the attention of Sir Samuel Cunard to the third proposition of the delegates, and request that he will inform your Grace whether that, or any similar proposition, will be agreed to by him or by the large proprietors resident in this country.

My Lord Duke, the Legislature of Prince Edward Island have given the strongest evidence of their desire to settle the differences arising out of the relations of landlord and tenant on just and equitable principles. They, as is well known to your Grace, in their address to Her Majesty in 1859, prayed for the appointment of a Commissioner or Commissioners, who should be authorised to inquire into the differences existing between landlords and their tenants, and to negotiate with the landlords for the purposes of establishing the rate of purchase, at which every tenant might be enabled to convert his leasehold into freehold, and also for a remission of arrears of rent, and to report the result of their inquiries and negotiations to Her Majesty the Queen. The proprietors, not desiring a report which would not be binding on the parties, suggested the appointment by the Queen of three Commissioners, whose decision should be accepted by all parties as final. The suggestion of the proprietors was adopted; the tenants, or the Legislature on their behalf, pledged themselves to abide by the decision of the Commissioners, and three Commissioners were appointed wholly in accordance with the desire of the proprietors. They



They exhausted the materials for inquiry into the facts of the case, and in due time placed in your Grace's hands their decision. This decision of the Commissioners was not such as pleased the proprietors, and they repudiated it, on the plea that the Commissioners had exceeded the authority intended to be conferred upon them.

The people of Prince Edward Island, my Lord Duke, were not to any extent responsible for the irregular manner in which the matter of the Commission would appear to have been conducted; they did all that was required of them, and now, my Lord Duke, they feel that they have been subjected to cruel disappointment. The Commission, instead of reconciling differences between landlords and tenants, has had the contrary effect, and has withal cost the Colony a sum of money such as its limited resources could ill afford. Although, my Lord Duke, the Commissioners failed to accomplish the settlement of the land question, and caused much excitement among the tenantry, they have nevertheless furnished your Grace with information as to the nature and extent of the evils which they attempted to remedy, such as cannot fail to be of essential service: information, which by reason of the eminent abilities of those by whom it was collected, and their entire disinterestedness, is entitled to be regarded as reliable.

From the returns furnished to the Commissions by the agents of Sir Samuel Cunard, who is the most extensive proprietor of land in Prince Edward Island, the melancholy truth is revealed, that in 1860 the arrears due by his tenants were equivalent, on an average, to upwards of 4s. per acre on the entire area of his leased lands; and it is not too much to assume, as I have already stated on the faith of Sir Samuel Cunard's recent communication to your Grace, in which he states that "many of his tenants are comparatively rich," that one-half of them are free from debt to their landlord. On this assumption, it must be granted that those who are indebted are burthened with arrears of rent, equivalent to no less than eight years' purchase of the reserved rent.

The Report of the Commissioners also further shows that on Sir Samuel Cunard's estates, on townships 44, 45, and 46, the majority of his tenants do not raise from their farms more than barely sufficient to keep them from starvation, and this, too, on the assumption that six and a-half persons can be supported on 7s. sterling a week; and also that, taking the tenants throughout the Island, 40 per cent. do not procure from their farms a sufficiency of food. My Lord Duke, a country so largely peopled as is Prince Edward Island, by tenants in such unhappy circumstances, cannot advance. The effect of arrears of rent upon the tenants of Prince Edward Island, are in the Report thus described: "The tenant finds it to his interest to improve no more than he can help; improvement would only invite purchasers; it is rather for his interest to take all he can get out of the land while the opportunity continues; in fact it is Ireland on a small scale."

My Lord Duke, wholesale evictions cannot I presume be resorted to; in Prince Edward Island many poor people, in various parts of the Colony, have expended their youth and strength in clearing the forest, and are now in their old age deserted by their grown up sons (who naturally refuse to improve land which is charged with arrears of rent, in many cases quite equal to its freehold value); these persons, with wives and helpless children are dragging out a miserable existence in a country where snow covers the ground for six months in the year, and where the cow that supplies milk to the poor family must be housed and fed for seven months of the 12, cannot be thrust out into the highways to perish, or become dependent upon public charity. My Lord Duke, this picture is not an exaggeration; may I not add that a remedy for these evils is imperatively demanded. High as may be the respect entertained for the legal rights of the landowners, there are cases in which they should give way to the requirements of public policy. The Ministers of the Crown in my opinion would not have acted wisely had they sought to enforce the payment of the quit-rents, after having allowed them to fall into arrear, until they amounted in many cases to the value of the land in respect of which they were due; under such circumstances they freely remitted them. The example of Her Majesty's Government in their dealings with the defaulting proprietors in the matter of the quit-rents, first reducing them one-half, and afterwards freely remitting many thousands of pounds, should, I respectfully submit, to some extent com-

mend itself to Sir Samuel Cunard and his fellow proprietors, as worthy of emulation in their dealings with their tenants.

My Lord Duke, the tenantry of Prince Edward Island are already deeply indebted to your Grace for the great personal exertions hitherto made by your Grace to bring about a settlement of the land question as a remedy for the evils under which they suffer, and I have gone thus fully into the subject of these evils, feeling that it is one which affects directly the happiness of thousands of families, and indirectly that of a Colony which is under your Grace's care, and that it also is one upon which it is most desirable that your Grace should be fully and correctly informed; I have also done so in the earnest hope that your Grace's sympathy and influence may continue to be exerted in support of the effort now being made to remedy those evils, which owing their origin to the indiscreet exercise of the Royal Prerogative, have so increased, that they are no longer endurable.

I have, &c.  
(signed) *Wm. H. Pope.*

— No. 12. —

COPY of a LETTER from *T. Frederick Elliot, Esq.*, to *W. H. Pope, Esq.*

No. 12.  
*T. F. Elliot, Esq.*, to  
*W. H. Pope, Esq.*  
7 January 1864.

Sir,

Downing-street, 7 January 1864.

I AM directed by the Duke of Newcastle to transmit to you the enclosed copy of a letter\* from Sir Samuel Cunard, on the subject of the third proposition in the letter on the Prince Edward Island land question, which was addressed to his Grace by yourself and your colleague on the 13th of October.

I am, &c.  
(signed) *T. Frederick Elliot.*

— No. 13. —

COPY of a LETTER from *W. H. Pope, Esq.*, to *T. Frederick Elliot, Esq.*

No. 13.  
*W. H. Pope, Esq.*, to  
*T. F. Elliot, Esq.*  
13 January 1864.

Sir,

Athenæum Club, Pall Mall, 13 January 1864.

I HAVE the honour to acknowledge the receipt of your communication of the 7th instant, in which you transmitted me, by direction of His Grace the Duke of Newcastle, a copy of a letter from Sir Samuel Cunard on the subject of the third proposition in the letter on the Prince Edward Island land question, which was addressed to his Grace by Mr. Palmer and myself on the 13th October.

For the information of His Grace the Duke of Newcastle, I beg to communicate to you the following observations upon Sir Samuel Cunard's letter.

The third proposition of the letter referred to by Sir Samuel Cunard, would entitle a "tenant holding under lease, and indebted in more than one year's rent, to demand from his landlord, at any time within 20 years from January 1864, the fee-simple of his leasehold land, on payment in one sum, in cash, to such landlord, of 16 years' purchase of the reserved rent." This proposition was intended to meet the case of those tenants, indebted for rent in arrear, in sums in many cases exceeding the fee-simple value of their lands, and who have heretofore paid little or no rent, and whose lands, unless emancipated from the arrears (which in the great majority of cases the landlords cannot hope to recover), must remain in a most impoverished state, to the injury alike of the landlord and of the Colony. Sir Samuel Cunard refuses to consent to this proposition, because its operation, as he alleges, "would be" as follows: "A tenant holding a farm consisting of 100 acres, for which he is bound by his lease to pay 5*l.* rent per annum, and to pay it annually, would under this proposition avoid paying his landlord, being encouraged thereby to do so; but  
would



would deposit his rent in the Bank, where he can get 6 or 7 per cent. interest, and at the end of 20 years the accumulated rent and interest would amount to more than 150*l.*; this sum should, in justice, belong to the landlord; but the tenant can then take 80*l.* of it, and demand from his landlord a deed in fee-simple of his farm, and have the remainder of the 150*l.* as a reward for dishonesty."

The foregoing statement of Sir Samuel Cunard as to what "would be the operation" of the proposition in question, is absurd, unless upon the twofold assumption:

First,—That the tenant possesses the means of paying his rent; and

Secondly,—That there does not exist in the Colony, a law by virtue of which the landlord may compel such tenant to pay his rent, or in default thereof, may dispossess him of his lands.

That these assumptions are completely groundless, I think I shall have little difficulty in proving.

As to the first assumption, I have already, in my letter to His Grace the Duke of Newcastle, of the 18th December, referred to the evidence afforded by the "Synopsis of the estate of Sir Samuel Cunard in Prince Edward Island" laid before the Royal Commissioners, and by them attached to their Report furnished his Grace, from which it appears, beyond all question, that on some of the estates of Sir Samuel Cunard, the arrears of rent due, are equivalent to upwards of 7*s.* an acre, for every acre leased, assuming that the tenants are equally indebted; and from the Report of the Commissioners it further appears that the majority of these tenants are in abject poverty; that they do not produce from their farms sufficient to procure for them food and clothing; and from the same Report it also appears that, taking the whole tenantry of the Colony, there are 40 per cent. who do not raise from their lands a sufficiency of food.

As to the second assumption, the landlord in Prince Edward Island has the right, at all times, to distrain upon his tenant's land for rent in arrear.

In all cases where the amount of rent due is upwards of 7*l.* sterling, the landlord can bring an action therefor against his tenant in the Supreme Court of the Colony.

In cases where the amount of rent due is under 7*l.* sterling, and there is no distress upon the lands, the landlord is allowed to proceed for the recovery of such rent, against the tenant, in the Small Debts Court of the Colony.

The landlord can proceed by ejectment, in cases wherein there shall not be upon the lands of his tenant sufficient distress to countervail six months' rent.

All these remedies are available, and for years past have been freely resorted to by landlords.

If the tenant be in occupation of land from which he cannot raise a sufficiency of food, the landlord cannot, of course, get his rent: but if the tenant have goods or chattels, they may be distrained, or taken under execution; or the landlord has the power, in the absence of distress, to dispossess the tenant, and to re-enter upon the land.

Such being the remedies available by the landlord, it cannot be supposed for a moment, that any tenant would be allowed to withhold his rent, and to act in the manner set forth in Sir Samuel Cunard's letter.

In Sir Samuel Cunard's letter to His Grace the Duke of Newcastle, of the 14th November last, much stress was laid upon the operation of the Act 23 Vict. c. 16, upon proprietary rights. Reference to the Act in question will satisfy his Grace that Sir Samuel Cunard is incorrect in his assertion, contained in the letter last referred to, that "a landlord is not allowed to proceed in the Small Debts Court for the recovery of rent."

With as much propriety might it be said, that a landlord is not allowed to proceed in the courts of this country, under the Imperial Act of 4 Geo. 2, c. 28. This Act contains a proviso that no proceedings shall be taken against the

lands of a defaulting tenant, under this Act, unless there is not to be found upon his land distress sufficient to countervail six months' rent.

The Colonial Act, of which Sir Samuel Cunard complains, contains a similar provision. If the landlord, who seeks to recover rent in arrear, makes oath that there is not upon the lands in respect of which such rent is due, sufficient distress to countervail a half year's rent, he may proceed by action in the Small Debts Court against his tenant.

The only restriction upon the landlord proceeding by distraint against his tenant is imposed by the Act 6 Vict. c. 19, which declares to the effect that horses and cattle, hay and straw, distrained upon after the 1st December, shall not be sold until after the 1st June following; provided security be given for the due return of such horses and cattle.

In conclusion, I regret to say that I cannot construe Sir Samuel Cunard's communications on the subject of the proposals for the settlement of the land question, in any other sense than as indicative of unwillingness, on his part at least, to make any such reasonable concessions to his tenants, as would afford that relief which is essential in order to secure the Colony generally from those much to be dreaded evils, which necessarily result from wide spread agrarian agitation.

I have, &c.  
(signed) *W. H. Pope.*

— No. 14. —

No. 14.  
H. Palmer, Esq.,  
to the Right Hon.  
E. Cardwell, M. P.  
18 August 1864.

COPY of a LETTER from *Henry Palmer, Esq.*, to the Right Honourable  
*Edward Cardwell, M. P.*

Sir, *Yeovil Devereux, Brymton, 18 August 1864.*

I BEG leave to inclose you a printed copy of an Act passed at Prince Edward Island for "settling Differences between Landlord and Tenant, and to enable Tenants in certain Townships to Purchase the Fee-simple of their Farms, &c."

I am so satisfied that the Legislature of Prince Edward Island have done all in their power to reconcile the unfortunate differences that exist between landlord and tenant. I am anxious to withdraw any opposition that I may have been supposed to entertain against the passing of this Bill. I have, therefore, signed it, and trust your Honour may be induced to submit the same for Her Majesty's assent.

I am quite satisfied that, although Lady Georgina Fane will not withdraw her opposition, she will comply with its terms when the Bill is passed.

I have, &c.  
(signed) *Henry Palmer,*  
One of the Proprietors.

Enclosure in No. 14.

Encl. in No. 14. "An Act for settling Differences between Landlord and Tenant, and to enable Tenants on certain Townships to Purchase the Fee-simple of their Farms."\*

\* This Act is printed as an enclosure in Governor Dundas' Despatch, No. 44 of 7th May 1864, page 50. The following words were appended to the Act:—"We, the undersigned proprietors in Prince Edward Island, agree to the provisions of this Act.

(signed) " *J. R. Bourke.* *John A. M'Donald.*  
" *T. H. Haviland.* *Edward Palmer.*  
" *Wm. Cundall.* *Henry Palmer.*  
" *D. Hodgson.* (in London)."



## — No. 1. —

COPY of a MEMORIAL from Mrs. *Marguerite Stephens* to His Grace the Duke of Newcastle, K.G., Secretary of State for Her Majesty's Colonies.

The MEMORIAL of *Marguerite Stephens*, otherwise *Stewart*, wife of *James Stephens*, of the town of *Galway, Ireland*,

Showeth,

THAT your memorialist is the daughter of the late Captain John Stewart, formerly Deputy Paymaster General of the Forces at St. John's, Newfoundland, and afterwards Receiver General of Quit-rents, and Speaker of the House of Assembly for many years in Prince Edward Island.

That your memorialist's said father having purchased several townships in Prince Edward Island, part of those lands have come, by inheritance, to your memorialist, and now belong to her as owner, same being in the possession of several tenants at very small rents, payable to your memorialist.

That, until about four years since, your memorialist always resided in Prince Edward Island, which she then left and came to Ireland on the occasion of her marriage, leaving her property to the management of an agent.

That your memorialist has lately been informed and has heard with the greatest anxiety, that certain Commissioners appointed by Her Majesty's Government have been holding inquiries relative to the tenure and occupation of land in Prince Edward Island, and that the tendency and object of those inquiries are publicly announced to be, to convert those who are now tenants on the land into the actual owners thereof, upon terms so merely nominal as to amount, if carried into effect, to complete confiscation of the property now belonging to your memorialist and the other proprietors in the Island.

Your memorialist respectfully submits that the proceedings referred to, if acted upon by Her Majesty's Government, will furnish a dangerous precedent, and will be subversive of the vested rights of property, not only in Prince Edward Island, but in other parts of the British dominions where those rights are now recognised and upheld, and she humbly and earnestly hopes that neither your Grace nor any other member of Her Majesty's Government will sanction such an unjust measure, so totally at variance with the state of things in Great Britain and Ireland, and to which your memorialist has been in no way a party.

And your memorialist will ever pray,

Galway, February 1861. (signed) *Marguerite S. Stephens.*

## No. 1.

Memorial from  
Mrs. M. Stephens to  
the Duke of New-  
castle, K. G.

February 1861.

## — No. 2. —

COPY of a LETTER from *C. Fortescue, Esq., M. P.*, to Mrs. *Marguerite Stephens*.

Madam, Downing-street, 4 March 1861.

I AM directed by the Duke of Newcastle to acknowledge your memorial relative to a Commission which has been sitting upon the subject of the tenure and occupation of land in Prince Edward Island.

I am desired to acquaint you that this Commission was appointed with the concurrence, on the one hand, of the great majority of the proprietors of land in the Colony; and on the other hand, of the Assembly, as representing the

## No. 2.

The Right Hon. C.  
Fortescue, M.P., to  
Mrs. M. Stephens.

4 March 1861.

tenants, with the view of endeavouring to put an end to differences of long standing, and of thus promoting harmony, and conducing to the security and value of property in the Island. There is no intention to enforce the awards of the Commissioners against any persons who have not, either personally or by their representatives, consented to refer their claims to arbitration; but on the other hand, the refusal of any particular proprietors to concur frankly in a measure which was framed for an object so important to their own interests, and which has hitherto been assented to by a large portion of their body, could not but be calculated to influence the conduct of Her Majesty's Government, if afterwards called upon to support them in any future disputes with their tenants.

I am, &c.  
(signed) C. Fortescue.

— No. 1. —

Memorial from  
R. B. Stewart, Esq.,  
and others to the  
Duke of New-  
castle, K. G.

COPY of a MEMORIAL from R. Bruce Stewart, Esq., and others to His Grace the Duke of Newcastle, Her Majesty's Principal Secretary of State for the Colonial Department.

1 October 1860.

The MEMORIAL of the undersigned Owners of Township Lands in  
Prince Edward Island,

Humbly sheweth,

THAT in pursuance of a measure of the Local Legislature passed last Session, intituled, "An Act to give effect to the Report of the Commissioners to be appointed on the Land Question," public proceedings at different parts of this Island have since been instituted, under a Royal warrant, bearing date 5th July 1860, and an opinion obtains that the Report of the Commissioners so appointed, when complete as to the articles of the requirements of the statute, shall be compulsory and binding on all owners, to whatever extent, of township lands, and from which award there shall be no appeal.

That your Grace's memorialists humbly conceive that this construction of the Act was meant to apply only to such landowners as in a letter to your Grace, dated "Bush-hill House, Edmonton, 13th February 1860," expressed their concurrence in the measures proposed by the Assembly, with certain amendments of their own suggestion, but that your memorialists were no parties to such correspondence. That, on the contrary, when certain of them were afterwards requested to become so by the Lieutenant Governor and others, they refused to sign the paper tendered to them, being strongly opposed to the contemplated interference, and believing that without their own concurrence their real estates on this Island would not be chargeable under an award of the Commissioners or arbitrators to be appointed under the Act.

That in the preamble to Resolutions of the Assembly, embodied in their Address to the Queen, of date the 9th of May 1859, it is clearly stated "that Her Majesty's Government will not consent to any *compulsory interference* with the lands and rights of the proprietors, and which has been strongly reiterated in the Despatches of Sir Edward Bulwer Lytton, dated 20th October 1858 and 3d December 1858." That also in the first of the said Resolutions it is expressly implied that no compulsory legislative enactment is contemplated, but that a Commission be directed to "*negotiate with the proprietors* for such terms as, *without infringing on the rights of the landlords*, may be fairly and reasonably asked for." The non-compulsory principle is also recognised in the preamble of the Act, which preamble, however, your memorialists beg leave to submit is at variance with the second section, or enacting clause of the said Bill.

That



That the proceedings of the Commission are anomalous in character, and not ruled by any precedents, as the said Act gives them no power either to compel the attendance of witnesses or to examine them upon oath. That the Commissioners are therefore liable to be influenced by the gratuitous assertions of many political agitators who obtained leave to address them, and of a large number of tenants, who are led to expect they may become freeholders at a very low rate of purchase; some alleging that they considered themselves entitled to have their land for nothing.

That since the assent of certain of the said proprietors to said Commission, an Act has been passed giving to the Commissioners powers perfectly unconstitutional, and not in any way contemplated by Her Majesty, nor by the proprietors who consented to the inquiry; investing the Commissioners with a delegation of legislative power; with an arbitrary authority over the rights of property of Her Majesty's subjects in this Island unparalleled in the history of any country.

That the Commissioners have evidently imagined that they are entitled to avail themselves of this questionable authority, and have publicly stated they are not bound by law in their investigation and in their award. That as a proof of this, Mr. Howe, when an allusion was made to purchases having been made by parties resident in Great Britain of property here, on the faith of repeated assurances of Her Gracious Majesty, conveyed through all the Secretaries of State for the Colonies for the last half century, that Her Majesty would not allow the rights of property to be violated, stated that he would not be bound by a cartload of Despatches.

That this investigation has been concluded in manner tending, not as it was proposed, to allay the agitation here against vested rights, but to excite it to a most alarming degree.

Before the case for the tenants had closed, one of the Commissioners asserted that the present system of tenancy in this Island *is most injurious, and must be done away with*. This assertion was made in the presence of the tenantry, before an opportunity was given of answering the evidence; and the whole course pursued has led the people to believe that no rents shall hereafter be collected. To show that this impression exists, your memorialists beg to enclose an extract of a morning paper representing the views of the tenantry, which will best illustrate the alarming effects already created by a tribunal entrusted to settle the question between landlord and tenant on just and equitable principles.

To show that these views are not confined to your memorialists, we may state that the counsel for the proprietors, who have consented to the Commission, was compelled to hand in a request to the Commissioners to publish a proclamation, requesting tenants to pay their current rents, although those proprietors are compelled to yield to the command of the Commissioners not to collect any arrears.

This request was made to the Commissioners, because otherwise it was anticipated that no rents could be collected by proprietors in this Island.

That the said Act, as explained by counsel before the said Commissioners, may establish principles repugnant to the constitution, and certainly involves constitutional rights, which from time immemorial have never been questioned, namely, a married woman's right of dower, or a widow's security under her marriage settlement, and the testamentary provision for orphan children; also, contracts entered into under seal, security for debt, whether by way of mortgage or of judgments in the supreme court, and various other obligations heretofore considered binding between parties, and the right of a subject to enjoy the use of his own property. And as your Grace's memorialists are at present unable to learn how far their estates may or may not hereafter be chargeable under the award of the said Commissioners, and as your memorialists never joined in the acquiescence already referred to of Sir Samuel Cunard and others, they therefore humbly pray that your Grace will recommend Her Majesty to

withhold Her Royal sanction from the said Bill, till further representations can be made respecting it.

All which is humbly submitted by your Grace's most obedient and most humble servants,

(signed) *Robert Bruce Stewart*,  
 Proprietor of lots or townships, Nos. 7, 10, 12,  
 and 30, Lennox Island; half lot 47, and  
 part of lots 27 and 46.  
*Anna Matilda M'Donald*,  
 Widow of the late M'Donald, of Glenaladale.  
*Helen Jane M'Donald*.  
*Mary Margaret M'Donald*.  
*William Christopher M'Donald*,  
 By John A. M'Donald, his attorney (part of  
 township, 35 and 36).  
*Samuel Nelson*,  
 1,000 acres on lot 24.  
*Mary Dundas B. Irving*,  
 Widow of the late George Irving, esq., and  
 only surviving daughter of the late Chief  
 Justice Stewart, holding lands on town-  
 ships, Nos. 18 and 48, under will of said  
 Chief Justice.  
*Charles Wright*,  
 Owner of land on townships, Nos. 65 and 48,  
 (no party to the correspondence dated at  
 Bush Hill House, but who handed in a  
 written protest to the said Commissioners  
 against any compulsory interference on their  
 part with his property).  
*John A. M'Donell*,  
 Owner of part of township, No. 35.  
*Flora Anna Maria M'Donell*,  
 Owner of land on township, No. 35, widow of  
 the late Alexander M'Donell, of Donaldston.  
*David Stewart Rennie*,  
 By Robert Rennie, his attorney, part of town-  
 ship, No. 23.  
*Ellen Stewart*,  
*Margaret Stewart*,  
 Owners of part of lot 18, under the will of the  
 late Charles Stewart, Attorney General of  
 this Island.  
*Robert G. Cuningham*,  
 Owner of 2,163 acres on township, No. 48,  
 a collateral descendant of James Cuning-  
 hame, one of the original grantees of that  
 township, by Robert Stewart, his attorney.

Charlotte Town, Prince Edward Island,  
 1 October 1860.

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Enclosure in No. 1.

Encl. in No. 1.

EXTRACT from the "Examiner" Newspaper, of date 25th September 1860,  
 Charlotte Town, Prince Edward Island.

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"PROGRESS of the Land Commission Inquiry.

"NEARLY a month has elapsed since the Royal Commissioners engaged in the investigation  
 of questions relating to landlord and tenant opened their court in this Island, and from the  
 zeal



zeal and assiduity with which they have performed their duties, there is no doubt that they have collected a large amount of information. In a few days they will end their labours here, and the general inquiry is, What will be the result? It is extremely difficult to answer this question; but one thing is very clear, that public opinion has been most unequivocally pronounced against the leasehold tenure in any and every shape. Instead of allaying agitation on the land question, it has received an impulse by the present inquiry hitherto unknown in the Colony; and whatever may be the award of the Commission, we are confident that the landholders have little or no chance, without the intervention of a strong military or constabulary power, of enforcing their demands upon the tenantry."

## — No. 2. —

COPY of a LETTER from *R. Bruce Stewart, Esq.*, to the Right Honourable  
*E. Cardwell, M. P.*

No. 2.  
*R. B. Stewart, Esq.,*  
to the Right Hon.  
*E. Cardwell, M. P.*  
12 July 1864.

Sir,

Strath Gartney, Prince Edward Island,  
12 July 1864.

LADY GEORGINA FANE has kindly sent me copy of her letter to you, dated 13th June,\* in which letter she mentions me as the resident proprietor of about 80,000 acres of land in this Colony, wherein I have spent the last 18 years, and need scarcely say that I am deeply interested in its prosperity. I beg to state that I most thoroughly concur in the purport of her Ladyship's letter, and very sincerely wish that every proprietor of land in this Colony had, like her, visited it and remained in it long enough to see and to know the actual state of parties and facts here, in which case I feel very certain that they all would concur with Lady Georgina Fane in the letter which she has addressed to you.

\* Page 105.

I have, &c.  
(signed) *Robert Bruce Stewart.*

## — No. 3. —

COPY of a LETTER from *Sir F. Rogers, Bart.*, to *R. Bruce Stewart, Esq.*

No. 3.  
*Sir F. Rogers, Bart.,*  
to *R. B. Stewart,*  
*Esq.*  
9 August 1864.

Sir,

Downing-street, 9 August 1864.

I AM directed by Mr. Secretary Cardwell to acknowledge the receipt of your letter of the 12th of July, forwarded to Mr. Cardwell by Lady Georgina Fane, in which you express your concurrence in her Ladyship's views on the subject of the recent Act of the Prince Edward Island Legislature for settling differences between landlord and tenant.

I am, &c.  
(signed) *Frederic Rogers.*

## — No. 4. —

COPY of a LETTER from *R. Bruce Stewart, Esq.*, to the Right Honourable  
*E. Cardwell, M. P.*

No. 4.  
*R. B. Stewart, Esq.,*  
to the Right Hon.  
*E. Cardwell, M. P.*  
20 October 1864.

Sir,

Strath Gartney, Prince Edward Island,  
20 October 1864.

I HAVE had the honour to receive Sir F. Rogers' acknowledgment of my letter to you, dated 12th July, which was forwarded to you by Lady Georgina Fane. Her Ladyship has since furnished me with copies of her letters to you, dated respectively September 2d, 15th, and 28th.\* I beg to state, that I thoroughly concur in the purport of those letters, and in the prayer of the petition, that the Bill of last Session, sent from this Colony, "For the settle-

\* Pages 112, 113,  
and 114.

ment of differences between Landlord and Tenant," may not be submitted for Her Majesty's assent. Foreseeing and feeling that great injury and injustice are impending and contingent upon the confirmation of that Bill, to myself and those other proprietors who did not consent to the appointment of the Land Commission, I feel certain that such injury and injustice can neither be intended nor approved by Her Majesty's Home Government, to whom I shall look with earnest and respectful hope that they will then be pleased to protect and defend me from such injury and injustice, in case they should determine in favour of the confirmation of that Bill against which I now appeal to you.

I have, &c.  
(signed) *Robert Bruce Stewart.*

— No. 5. —

No. 5.  
T. F. Elliot, Esq.,  
to R. B. Stewart,  
Esq.  
19 Nov. 1864.

COPY of a LETTER from *T. Frederick Elliot, Esq.*, to *R. Bruce Stewart, Esq.*

Sir,

Downing-street, 19 November 1864.

I AM directed by Mr. Secretary Cardwell to acknowledge the receipt, through the Lady Georgina Fane, of your letter of the 20th ultimo, on the subject of the Act of the Prince Edward Island Legislature, "for settling the Differences between Landlord and Tenant, &c."

Mr. Cardwell desires me to acquaint you that he is no longer in a position to interfere in the matter. The Act was confirmed, on the 1st instant, by an Order of Her Majesty in Council, which was sent out by last mail.

I am, &c.  
(signed) *T. Frederick Elliot.*

— No. 1. —

No. 1.  
Lady Wood and  
Miss Fanning to  
the Right Hon. E.  
Cardwell, M.P.  
31 October 1864.

COPY of a LETTER from Lady *Wood* and Miss *Fanning* to the Right Honourable *Edward Cardwell, M.P.*

LADY WOOD and Miss Fanning present their compliments to Mr. Cardwell, and beg leave to submit to him the enclosed certified copy of a petition received from their tenants in Prince Edward Island by the last mail thence.

Lady Wood and her sister, Miss Fanning, are induced to take this step for the purpose of proving to the Secretary of State for the Colonies the little probability there is that the legislative proceedings which have followed the late Land Commission will tend to satisfy the tenantry of Prince Edward Island generally, or to promote the peace and prosperity of the Colony. As yet, all the measures with regard to what is called "The land question of Prince Edward Island," have but served to engender and call into action the dishonest feelings and illegal combinations set forth in the petition herewith enclosed.

Lady Wood and Miss Fanning beg to state, that they are not aware of any grievance of which their tenants have to complain; they voluntarily took leases of their respective holdings on the current terms of the country; and land on lot 50, the township upon which these tenants chose to settle, has been sold for the last 40 years, and is still selling, at the rate of 20 s. sterling per acre.

3, Circus, Bath, 31 October 1864.

Enclosure in No. 1.

Encl. in No. 1.

Prince Edward Island, Township, No. 50,  
29 September 1864.  
Lady Wood and Miss M. M. Fanning,  
We, the undersigned, your Ladyships' tenants on township, No. 50, Prince Edward Island, have lately held public meetings, and at the last meeting, held on Monday the 26th instant,



instant, unanimously agreed to correspond with your Ladyships, relative to the disquietude now so prevalent in this Colony in consequence of the present rent-paying system, so injurious and detrimental to the prosperity and contentment of the Island generally; and humbly beg leave to address your Ladyships with every feeling of respect, and would urge, as our excuse for this liberty, the pressing necessity of our case.

We, your Ladyships' tenants on township, No. 50, in common with the whole tenantry of the Island, have become convinced of the great and positive necessity of the abolishment of the rent-paying system, and that we, your Ladyships' tenants, in connection with the tenantry of the Island generally, have inaugurated ourselves into a tenants' union, for the purpose of withholding the further liquidation of rent until a right of purchase being afforded your Ladyships' tenantry, upon fair and equitable principles, as acceded to the tenantry on the Selkirk and other estates, purchased by the local Government of this Colony; therefore, the first means your Ladyships' tenantry purpose adopting, being the offering to purchase the fee-simple of our respective holdings, agreeable to the following propositions, viz., 10 s. per acre; one-fifth paid on the 1st January 1865, and the balance in four annual instalments, with six per cent. interest until paid; interest to cease on each liquidated payment. Which proposition your Ladyships' tenants earnestly trust will be accepted by your Ladyships, as being more satisfactory and remunerative than the present rent system; your Ladyships' tenants of course giving ample security for the faithful fulfilment of the same. Robert Poore Haythorne, Esq., has recently effected a compromise with his tenants, on lot 49, on similar terms as herein represented. And we, your Ladyships' tenants, sincerely hope your Ladyships will accept this, our offer, with those charitable feelings that we have reason to believe your Ladyships possess.

Trusting your Ladyships will favour us with a reply at your Ladyships' earliest convenience,

We respectfully beg to remain, &c.

(signed) Frederick Nelson.

Teopiles Nelson.

(And 104 other signatures.)

P.S.—Your Ladyships will be pleased to address your reply, on behalf of your tenantry, to Mr. Alexander M'Neill, lot 50.

(Examined with the original),

(signed) John Kemp,  
Solicitor, Bath.

— No. 2. —

COPY of a LETTER from *T. Frederick Elliot*, Esq., to Lady Wood.

Madam,

Downing-street, 8 November 1864.

I AM directed by Mr. Secretary Cardwell to acknowledge the receipt of your Ladyship's and Miss Fanning's letter of the 31st ultimo, together with a copy of a letter from your tenants in Prince Edward Island, containing a proposal for the purchase of the fee-simple of their holdings.

I am, &c.

(signed) *T. Frederick Elliot*.

— No. 1. —

COPY of a LETTER from *Charles Wright*, Esq., to His Grace the Duke of Newcastle.

Charlotte Town, Prince Edward Island,

6 November 1860.

My Lord Duke,

A PETITION addressed to the Queen is herewith transmitted to your Grace, and I beg leave most respectfully to state that my father, Mr. Charles Wright, held the office of Surveyor General of Prince Edward Island, from 1812 till his death in 1828.

My grandfather, Mr. Thomas Wright, was, by Commission dated 6th August 1764, appointed deputy to the Surveyor General of the "Northern District of America," and was subsequently, during a long life, employed in various public

528.

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services,

No. 2.

*T. F. Elliot*, Esq.,  
to Lady Wood.

8 November 1864.

No. 1.

*Charles Wright*,  
Esq., to the Duke  
of Newcastle.

6 November 1860.

services, among which I may be permitted, with due deference, to mention, that in 1769 he was deputed by the Astronomer Royal to observe the transit of Venus, and that he succeeded in this observation (near Quebec) appears by Vol. 59 of the "Philosophical Transactions." In 1773 he repaired to the seat of Government of this Colony at the pressing solicitation of Walter Patterson, Esq., then Governor thereof, and was appointed Surveyor General, and also filled the office of Senior Assistant Judge of this Colony. During a long residence here he encountered many difficulties, and at the breaking out of the American war of independence was taken prisoner and carried to the head quarters of the revolutionary army.

When the Commissioners, appointed in pursuance of the 5th Article of the Treaty with America, dated 19th November 1794, to fix the boundary between the State of Maine and New Brunswick, met at Boston in 1797 his attendance was required, and the importance attached to the information and assistance afforded by him on that occasion appears by original documents, to which reference can be made.

In defence of rights justly acquired by members of my family amidst unremitted labour and various hardships, I am obliged to resort to the highest authority in the State, and humbly trust that the facts set forth in my petition may appear worthy of favourable consideration.

I have, &c.  
(signed) *Charles Wright.*

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Enclosure in No. 1.

Encl. in No. 1.

To the Queen's Most Excellent Majesty.

The Petition of Charles Wright, Owner of portions of Townships No. 65 and No. 50, in Prince Edward Island.

Most humbly sheweth,—

1. THAT your petitioner is a loyal subject of Your Majesty, and craves leave to approach the Throne with the assurance of his devoted attachment to Your Majesty's person and Government.

2. That in accordance with an Address and Resolutions of the Assembly of this Island, Your Majesty has been pleased by your Royal warrant, dated at Buckingham Palace, 5th June 1860, to appoint John Hamilton Gray, Joseph Howe, and John William Ritchie, Esqrs., Commissioners for inquiring into and adjusting the differences between landowners and tenants in Prince Edward Island on "fair and equitable principles," and that an Act has passed the Local Legislature, intituled, "An Act to give Effect to the Report of the Commissioners to be appointed on the Land Question," without Your Majesty's assent to which, their award can have no legal force, as the said Act contains a clause suspending its operation "until Your Majesty's pleasure therein shall be known."

23 Vict. c. 28.

3. That it was contended by counsel before the said Commissioners, that by the second enacting clause thereof "the rights, estates, rents, issues, and profits of such estates, liberties, franchises, and interests of all and every person whomsoever," Your Majesty's subjects, of, out of, or concerning township lands in this Island will, if it becomes law, be bound by the award of the Commissioners, from which award it is likewise maintained there shall be no appeal.

4. That if the second section of the Act will bear this construction, and there seems too much ground for the apprehension, Your petitioner humbly begs leave to submit that the said Act is opposed to the well-established principles of British constitutional law; that it is contrary to the intentions of Your Majesty's Minister, as clearly expressed in his Despatch to Lieutenant Governor Dundas, of date 21st of March 1860, and partly embodied in the preamble to the Act, that it is repugnant to the Royal instructions for the good government of Colonies, as transmitted to Sir John Colborne and Sir Edmund Head, and is also at variance with the principles set forth in the preamble of the Act itself, as well as in the resolutions of the Assembly, dated the 9th of May 1859, referred to in the said preamble; for the preamble to the said resolutions, as transmitted to Your Majesty, utterly repudiates "any compulsory interference with the lands and rights of the proprietors," as being contrary to the declarations of Your Majesty's Government "for a great number of years," and which, as stated in the said preamble, "has been strongly reiterated in the Despatches of Sir Edward Bulwer Lytton, dated the 20th of October 1858 and 3d December 1858."

5. That it was the plain meaning of the Assembly to promote an "amicable arrangement" with the proprietors, and that no "compulsory interference" was intended is apparent throughout the said resolutions, especially in No. 1, wherein, among other things,



it is resolved that a humble address be presented to Your Majesty, praying that Your Majesty will be pleased to direct a Commission to inquire into the existing relations between landlord and tenant, "and to negotiate with the proprietors for such abatement of present liabilities, and for such terms for enabling the tenantry to convert their leaseholds into freeholds as, without infringing on the rights of the landlords, may be fairly and reasonably asked for, &c."

Resolutions of the  
Assembly of Prince  
Edward Island,  
9th May 1859.  
No. 1.

6. That in the said Despatch of His Grace the Duke of Newcastle, dated 21st March 1860, in reference to a proposal emanating from Sir Samuel Cunard and others, it is stated, "if the consent of all the parties can be obtained to this proposal, I believe that it may offer the means of bringing these long-pending disputes to a termination." Thus clearly implying that, without such consent being first had and obtained, his Grace did not contemplate that dissentient parties would be made liable to the award.

7. That from the said correspondence of the Secretary of State, it is likewise apparent that the Act, intitled, "An Act to give Effect to the Report of the Commissioners to be appointed on the Land Question" has been passed at the instance of Sir Samuel Cunard, and a few others, chiefly non-resident landowners, who in a letter to his Grace, dated Bush-hill House, Edmonton, 13th February 1860, state themselves "large proprietors of land in this Island," and that they "shall readily acquiesce in any arrangement that may be practicable for the purpose of settling the various questions alluded to in the memorial from the House of Assembly." At the same time they submit certain suggestions of their own respecting the appointment of Commissioners, "instead of the mode proposed by the House of Assembly," which suggestions, it is needless to add, have been acted upon both by Your Majesty and by the said house.

8. That the Act in question, therefore, assumes in every respect the character of a Private Bill, passed at the instance of Sir Samuel Cunard, and some other individuals who signed the letter addressed to the Secretary of State, of date above mentioned, and on referring to Your Majesty's Royal Instructions to the Governor General of the North American Colonies, of date, Balmoral, 20th October 1854, the sixteenth section is as follows:—

"And We do further direct that you do not propose or assent to any Private Bills whereby the property of any individual may be affected, in which there is not a saving of the right of Us, Our heirs and successors, and of all bodies politic and corporate, and of all other persons excepting those at whose instance or for whose especial benefit such Bill may be passed, and those claiming by, from, through or under them."

Instructions to  
Sir E. W. Head,  
dated Balmoral,  
20th October 1854,  
s. 16.

9. That the said section of the Royal Instructions for the Government of Canada applies with equal, if not greater, force to Prince Edward Island; for your petitioner humbly submits that Your Majesty's loyal subjects, the inhabitants of this Colony, are equally entitled to Your Royal favour and protection; and former Acts of the Local Legislature, disallowed by Your Majesty, prove that the "rights of property" have not at all times been held sacred by that body.

10. That by Your Majesty's Royal Letters Patent and Instructions to Sir John Colborne, formally transmitted here for the guidance of the Lieutenant Governor of the Colony, it is distinctly enjoined that all "Laws, Statutes and Ordinances are not to be repugnant, but as near as local circumstances will admit agreeable to the Laws and Statutes of Our United Kingdom of Great Britain and Ireland;" and your petitioner humbly begs leave to submit that the sweeping provisions of the Act in question are not only repugnant to the laws and statutes of Great Britain, but are without parallel in Colonial Legislation.

11. That when responsible Government was conceded to this Island in 1851, it was expressly enjoined, among other things, that the rights of property should be respected, and the laws appertaining thereunto strictly enforced; and as appears by Earl Grey's Despatch to Sir A. Bannerman, dated 12th February 1851, that any laws bearing unjustly on the owners of landed property would be disallowed by Your Majesty. This pledge has been religiously observed in the disposal of the Rent-roll and Tenants' Compensation Acts, passed in the Session of 1855, and also of a subsequent "Act relating to the Fishery Reserves;" and Sir Dominick Daly, in his Despatch, No. 70, to the Right Honourable H. Labouchere, of date the 10th of December 1855, when explaining his conduct in reference to the two former Bills, declares he has "never been unmindful that Your Majesty's Government possesses the power of causing the laws to be respected in all parts of your dominions."

12. That your petitioner was no party to any correspondence agreeing to the appointment of Commissioners on the land question; that he never entered into stipulations of any kind to abide by their award, and was not sensible, until very recently, that there was a possibility of such award affecting him, after the plain meaning of the resolutions of the Assembly, supported by the solemn and repeated declarations of successive Secretaries of State.

13. That previous to the sitting of the said Commissioners your petitioner did not know of any existing disputes between himself and his tenants, nor has he yet been apprised of any specific charges or complaints of theirs requiring the intervention of delegated authority, armed with unlimited and indefinite discretionary power above the law of the land. And in the opinion of your petitioner, the pre-existing laws of the Island, if fairly administered, are amply sufficient to adjust all questions arising between landlords and tenants, although such laws, as modified and amended since the introduction of responsible government, are highly favourable to the latter.

14. That your petitioner appeared personally before the said Commissioners on Monday the 24th of September, one of the days appointed for hearing the landlords after the tenants' case was closed; and your petitioner expressed his readiness to answer such questions as the Chairman of the Commission might be pleased to put to him, but nothing was said about settling disputes with his tenants, nor were proposals of any kind made to him for an "amicable arrangement" of grievances, whether real or alleged, were any such before their Excellencies. And your petitioner then and there protested against any compulsory interference on their part with his property, on the grounds hereinbefore stated; and having answered certain questions relative to the value of lands in this island, it was signified to your petitioner that he might withdraw.

15. That as Your Majesty's Royal allowance to the Act to give effect to the Report of the Commissioners has not yet been signified, it was both premature and impolitic in the Local Government to promote the sittings of the said Commissioners, as their proceedings were evidently influenced by a regard to the arbitrary jurisdiction the Act is meant to confer, rather than the more limited power implied by Your Majesty's warrant; and much excitement has consequently spread through the Island, the result of which it is impossible to conjecture.

16. That amidst the mass of evidence tendered to the Commissioners, and the great number of persons, chiefly tenants expecting to get free farms by escheat or otherwise, who appeared before their Excellencies, not a single individual was examined upon oath, as it was evidently the opinion of the Court that it had no power to administer that obligation; nor even by subpoena or process of any kind to enforce the necessary attendance of witnesses who, through intimidation or motives of self-interest, might be reluctant to appear, and that such there were admits of easy proof.

17. That proceedings in the said Commissioners' Court assumed a highly irregular character, strongly marked by excited feeling and extreme party bias. In support of this, it may be mentioned that a man in the custody of the deputy sheriff of Queen's County, in an action for the recovery of an alleged debt of rent, was brought by that officer before the said Court, without any legal authority for his appearance there, and to no other purpose than to create a prejudice in the minds of the Commissioners against landlords generally; and although learned counsel of high professional standing were retained from the Bar of New Brunswick and that of Prince Edward Island, by the Local Government on behalf of the tenantry, yet certain members of Your Majesty's Executive Council, namely, Colonel the Honourable John Hamilton Gray and the Honourable John Longworth, both members of the Assembly, addressed the Commissioners in open court against the leasehold tenure. The former especially attended throughout nearly the whole of the tenants' case, and spoke repeatedly in terms ill-calculated to promote a settlement of the question "in a spirit of conciliation and fairness to all parties," as recommended by Your Majesty's Minister.

Sir E. B. Lytton's  
Despatch, dated  
20th October 1858.

18. That the said Colonel Gray, who thus appears opposed to the representatives of the original grantees of townships, is himself the grandson of Captain George Burns, who was indebted to the bounty of his Majesty George the Third for a grant of such land now held under the said George Burns' title. But, as your petitioner is informed, and verily believes, neither the said Honourable John Hamilton Gray nor a single member of his family, is at present seised or possessed of any township land in this Island.

19. That the part of township No. 65 owned by your petitioner is let chiefly in tracts of from 50 to 150 acres, for terms of 999 years, at rents varying from 9*d.* to 1*s.* 2*d.* per acre, sterling money of Great Britain, estimating it at the present rate of exchange; and in some few cases the rents rise to 1*s.* 6*d.* sterling per acre (at the same rate), at the expiration of 40 years of the term; and it would be attended with consequences utterly ruinous to your petitioner to submit to sales of his property on terms obliging him to take payment in limited instalments, as proposed in the Resolutions of the Assembly. But he would willingly take a sum in gross for the fee-simple of what land he owns, amounting to 20 years' purchase of the maximum annual rent reserved on the whole, which he deems would be a reasonable consideration. And your petitioner would thankfully be so enabled to seek an investment in some other country, owing to the manifest insecurity attending that disregard to the rights of property and of social order which is becoming more and more apparent in this Island.

20. That the said part of township No. 65 was demised to your petitioner by his mother, deceased, who received a conveyance of it in exchange for a valuable property, settled on her previous to marriage.

21. That 166 acres, owned by your petitioner on township No. 50, was part of 400 acres purchased for a valuable consideration by his grandfather Thomas Wright, Esq., from John Throckmorton, Esq., an American Loyalist, who had served as an officer in the King's Rangers during the American War of Independence; and the said 400 acres was all the real property your petitioner's said grandfather was enabled, at his decease, to leave as a provision for his family, after 48 years of his life spent in various public services, which may not be particularly enumerated here.

22. That, as far as your petitioner is enabled to judge, the tenants on his said property are generally respectable and inoffensive people, and hitherto well disposed towards your petitioner, though of course liable to be influenced by designing men and unprincipled political agitators.

23. That



23. That your petitioner's said property is free from all encumbrances of any kind whatsoever; and the rents thereof, which are not more than sufficient for the respectable maintenance of himself and family, have of late years been paid with tolerable regularity. That he has a wife and infant children dependent on him for support; and, in the uncertainty of life, he sees no prospect of being enabled to leave them any other future provision, though his family have resided here for many years, and have expended large sums in the Colony.

Wherefore your petitioner humbly prays that Your Majesty will not sanction the aforesaid Act in its present highly unconstitutional form, as it may prove ruinous to certain of Your Majesty's subjects, who, as they did not sign the letter agreeing to the appointment of Land Commissioners, should, according to the declarations of Your Majesty's Government, be exempted from their compulsory award. And your petitioner further prays that Your Majesty will direct the said Act to be so modified and amended that it may come within the meaning of the Address and Resolutions of the Assembly, in concurrence with which Your Majesty's Warrant was issued.

And Your Majesty's petitioner will ever pray.

Charlotte Town, Prince Edward Island,  
6 November 1860.

(signed) *Charles Wright.*

COPY of the ADDRESS to Her Majesty, adopted by the House of Assembly of *Prince Edward Island* on 9 May 1859, praying for the Appointment of a COMMISSION to inquire into the existing Relations of LANDLORD and TENANT in that Colony; and COPY or EXTRACTS of the subsequent CORRESPONDENCE of the Secretary of State for the Colonies with the Governor of *Prince Edward Island*, and Landowners and others of that Colony relating to the same Subject.

(*Lord Stanley.*)

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Ordered, by The House of Commons, to be Printed,  
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